

1 A bill to be entitled  
2 An act relating to the Department of Agriculture and  
3 Consumer Services; amending s. 482.021, F.S.; revising  
4 terminology to modify requirements for supervision  
5 provided by certified operators in charge of pest control  
6 businesses; amending s. 482.051, F.S.; requiring pest  
7 control licensees to perform inspections before issuing  
8 certain contracts; amending s. 482.071, F.S.; increasing  
9 the financial responsibility requirements for pest control  
10 licensees; creating s. 482.072, F.S.; requiring pest  
11 control service center licenses; providing license  
12 application requirements and procedures; providing for  
13 expiration and renewal of licenses; establishing license  
14 fees; exempting pest control service center employees from  
15 identification card requirements except under certain  
16 circumstances; requiring recordkeeping and monitoring of  
17 service center operations; authorizing disciplinary action  
18 against pest control licensees for violations of service  
19 center employees; amending s. 482.152, F.S.; revising  
20 duties and supervisory requirements of certified operators  
21 in charge of pest control businesses; creating s. 482.157,  
22 F.S.; providing for pest control certification of  
23 commercial wildlife management personnel; providing  
24 application procedures and requirements; requiring a  
25 certification examination; establishing certification  
26 fees; amending s. 482.163, F.S.; authorizing disciplinary  
27 action against pest control licensees for violations by  
28 employees under certain circumstances; limiting the

HB 1447

2009

29 grounds for disciplinary action against a certified  
30 operator in charge; requiring notices of administrative  
31 actions taken against pest control employees; amending s.  
32 482.226, F.S.; increasing the financial responsibility  
33 requirements for certain pest control licensees; amending  
34 s. 493.6102, F.S.; specifying that provisions regulating  
35 security officers do not apply to certain officers  
36 performing off-duty activities; amending s. 493.6105,  
37 F.S.; revising application requirements and procedures for  
38 private investigator, security officer, or recovery agent  
39 licenses; specifying application requirements for firearms  
40 instructor license; amending s. 493.6106, F.S.; revising  
41 citizenship requirements and documentation for private  
42 investigator, security officer, and recovery agent  
43 licenses; prohibiting licensure of applicants prohibited  
44 from purchasing or possessing firearms; requiring notice  
45 of changes to branch office locations for private  
46 investigative, security, or recovery agencies; amending s.  
47 493.6107, F.S.; requiring the department to accept certain  
48 methods of payment for certain fees; amending s. 493.6108,  
49 F.S.; revising requirements for criminal history checks of  
50 license applicants whose fingerprints are not legible;  
51 requiring investigation of the mental and emotional  
52 fitness of applicants for firearms instructor licenses;  
53 amending s. 493.6111, F.S.; requiring a security officer  
54 school or recovery agent school to obtain the department's  
55 approval for use of a fictitious name; amending s.  
56 493.6113, F.S.; revising application renewal procedures

57 | and requirements; amending s. 493.6115, F.S.; conforming  
58 | cross-references; amending s. 493.6118, F.S.; authorizing  
59 | disciplinary action against private investigators,  
60 | security officers, and recovery agents who are prohibited  
61 | from purchasing or possessing firearms; amending s.  
62 | 493.6121, F.S.; deleting provisions for the department's  
63 | access to certain criminal history records provided to  
64 | licensed gun dealers, manufactures, and exporters;  
65 | amending s. 493.6202, F.S.; requiring the department to  
66 | accept certain methods of payment for certain fees;  
67 | amending s. 493.6203, F.S.; prohibiting bodyguard services  
68 | from being credited toward certain license requirements;  
69 | revising training requirements for private investigator  
70 | intern license applicants; amending s. 493.6302, F.S.;  
71 | requiring the department to accept certain methods of  
72 | payment for certain fees; amending s. 493.6303, F.S.;  
73 | revising the training requirements for security officer  
74 | license applicants; amending s. 493.6304, F.S.; revising  
75 | application requirements and procedures for security  
76 | officer school licenses; amending s. 493.6401, F.S.;  
77 | revising terminology for recovery agent schools and  
78 | training facilities; amending s. 493.6402, F.S.; revising  
79 | terminology for recovery agent schools and training  
80 | facilities; requiring the department to accept certain  
81 | methods of payment for certain fees; amending s. 493.6406,  
82 | F.S.; requiring recovery agent school and instructor  
83 | licenses; providing license application requirements and  
84 | procedures; amending s. 500.03, F.S.; revising the term

85 "food establishment" to include tomato repackers for  
86 purposes of the Florida Food Safety Act; creating s.  
87 500.70, F.S.; defining terms; requiring minimum food  
88 safety standards for producing, harvesting, packing, and  
89 repacking tomatoes; authorizing the department to inspect  
90 tomato farms, greenhouses, and packinghouses or repackers;  
91 providing penalties; authorizing the department to publish  
92 guidance for the state's tomato industry; providing a  
93 presumption that tomatoes introduced into commerce are  
94 safe for human consumption under certain circumstances;  
95 authorizing the department to adopt rules; amending ss.  
96 501.605 and 501.607, F.S.; revising application  
97 requirements for commercial telephone seller and  
98 salesperson licenses; amending s. 501.913, F.S.;

99 specifying the sample size required for antifreeze  
100 registration application; amending s. 525.01, F.S.;

101 revising requirements for petroleum fuel affidavits;  
102 amending s. 525.09, F.S.; imposing an inspection fee on  
103 certain alternative fuels containing alcohol; amending s.  
104 526.50, F.S.; defining terms applicable to regulation of  
105 the sale of brake fluid; amending s. 526.51, F.S.;

106 revising brake fluid permit application requirements;  
107 deleting permit renewal requirements; providing for  
108 reregistration of brake fluid and establishing fees;  
109 amending s. 526.52, F.S.; revising requirements for  
110 printed statements on brake fluid containers; amending s.  
111 526.53, F.S.; revising requirements and procedures for  
112 brake fluid stop-sale orders; authorizing businesses to

HB 1447

2009

113 dispose of unregistered brake fluid under certain  
114 circumstances; amending s. 527.02, F.S.; increasing fees  
115 for liquefied petroleum gas licenses; revising fees for  
116 pipeline system operators; amending s. 527.0201, F.S.;  
117 revising requirements for liquefied petroleum gas  
118 qualifying examinations; increasing examination fees;  
119 increasing continuing education requirements for certain  
120 liquefied petroleum gas qualifiers; amending s. 527.021,  
121 F.S.; requiring the annual inspection of liquefied  
122 petroleum gas transport vehicles; increasing the  
123 inspection fee; amending s. 527.12, F.S.; providing for  
124 the issuance of certain stop orders; amending ss. 559.805  
125 and 559.928, F.S.; deleting requirements that lists of  
126 independent agents of sellers of business opportunities  
127 and the agents' registration affidavits include the  
128 agents' social security numbers; amending s. 570.07, F.S.;  
129 authorizing the department to adopt best management  
130 practices for agricultural production and food safety;  
131 amending s. 570.0725, F.S.; revising provisions for public  
132 information about food banks and similar food recovery  
133 programs; amending s. 570.48, F.S.; revising duties of the  
134 Division of Fruit and Vegetables for tomato food safety  
135 inspections; amending ss. 570.53 and 570.54, F.S.;  
136 conforming cross-references; amending s. 570.55, F.S.;  
137 revising requirements for identifying sellers or handlers  
138 of tropical or subtropical fruit or vegetables; amending  
139 s. 570.902, F.S.; conforming terminology to the repeal by  
140 the act of provisions establishing the Florida

141 Agricultural Museum; amending s. 570.903, F.S.; revising  
142 provisions for direct-support organizations for certain  
143 agricultural programs to conform to the repeal by the act  
144 of provisions establishing the Florida Agricultural  
145 Museum; deleting provisions for a direct-support  
146 organization for the Florida State Collection of  
147 Arthropods; amending s. 581.011, F.S.; deleting  
148 terminology relating to the Florida State Collection of  
149 Arthropods; revising the term "nursery" for purposes of  
150 plant industry regulations; amending s. 581.031, F.S.;  
151 increasing citrus source tree registration fees; amending  
152 s. 581.131, F.S.; increasing registration fees for a  
153 nurseryman, stock dealer, agent, or plant broker  
154 certificate; amending s. 581.211, F.S.; increasing the  
155 maximum fine for violations of plant industry regulations;  
156 amending s. 583.13, F.S.; deleting a prohibition on the  
157 sale of poultry without displaying the poultry grade;  
158 amending s. 590.125, F.S.; revising terminology for open  
159 burning authorizations; specifying purposes of certified  
160 prescribed burning; requiring the authorization of the  
161 Division of Forestry for certified pile burning; providing  
162 pile burning requirements; limiting the liability of  
163 property owners or agents engaged in pile burning;  
164 providing for the certification of pile burners; providing  
165 penalties for violations by certified pile burners;  
166 requiring rules; revising notice requirements for wildfire  
167 hazard reduction treatments; providing for approval of  
168 local government open burning authorization programs;

169 providing program requirements; authorizing the division  
 170 to close local government programs under certain  
 171 circumstances; providing penalties for violations of local  
 172 government open burning requirements; amending s. 590.14,  
 173 F.S.; authorizing fines for violations of any division  
 174 rule; providing penalties for certain violations;  
 175 providing legislative intent; amending s. 599.004, F.S.;  
 176 revising standards that a winery must meet to qualify as a  
 177 certified Florida Farm Winery; amending s. 604.15, F.S.;  
 178 revising the term "agricultural products" to make tropical  
 179 foliage exempt from regulation under provisions relating  
 180 to dealers in agricultural products; defining the term  
 181 "responsible position"; amending s. 604.19, F.S.; revising  
 182 requirements for late fees on agricultural products dealer  
 183 applications; amending s. 604.20, F.S.; revising the  
 184 minimum amount of the surety bond or certificate of  
 185 deposit required for agricultural products dealer  
 186 licenses; providing conditions for the payment of bond or  
 187 certificate of deposit proceeds; requiring additional  
 188 documentation for issuance of a conditional license;  
 189 amending s. 604.25, F.S.; prohibiting certain persons from  
 190 holding a responsible position with an agricultural  
 191 products dealer; authorizing the suspension or revocation  
 192 of an agricultural products dealer license for employing  
 193 such a person; amending s. 616.242, F.S.; authorizing the  
 194 issuance of stop-operation orders for amusement rides  
 195 under certain circumstances; amending s. 790.06, F.S.;  
 196 authorizing a concealed firearm license applicant to

HB 1447

2009

197 submit fingerprints administered by the Division of  
 198 Licensing; repealing ss. 570.071 and 570.901, F.S.,  
 199 relating to the Florida Agricultural Exposition and the  
 200 Florida Agricultural Museum; providing an effective date.  
 201

202 Be It Enacted by the Legislature of the State of Florida:  
 203

204 Section 1. Subsections (5) and (7) of section 482.021,  
 205 Florida Statutes, are amended to read:

206 482.021 Definitions.--For the purposes of this chapter,  
 207 and unless otherwise required by the context, the term:

208 (5) "Certified operator in charge" means a certified  
 209 operator:

210 (a) Whose primary occupation is the pest control business;

211 (b) Who is employed full time by a licensee; and

212 (c) Whose principal duty is the ~~personal~~ supervision of  
 213 the licensee's operation in a category or categories of pest  
 214 control in which the operator is certified.

215 (7) "Employee" means a person who is employed by a  
 216 licensee that provides that person with necessary training,  
 217 supervision, pesticides, equipment, and insurance and who  
 218 receives compensation from and is under the ~~personal~~ supervision  
 219 ~~and direct control~~ of the licensee's certified operator in  
 220 charge and from whose compensation the licensee regularly  
 221 deducts and matches federal insurance contributions and federal  
 222 income and Social Security taxes.

223 Section 2. Subsection (3) of section 482.051, Florida  
 224 Statutes, is amended to read:



HB 1447

2009

225 482.051 Rules.--The department has authority to adopt  
 226 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 227 provisions of this chapter. Prior to proposing the adoption of a  
 228 rule, the department shall counsel with members of the pest  
 229 control industry concerning the proposed rule. The department  
 230 shall adopt rules for the protection of the health, safety, and  
 231 welfare of pest control employees and the general public which  
 232 require:

233 (3) That written contracts be required for providing  
 234 termites and other wood-destroying organisms pest control, that  
 235 provisions necessary to assure consumer protection as specified  
 236 by the department be included in such contracts, that licensees  
 237 perform an inspection before issuing a contract on an existing  
 238 structure, and that ~~require~~ licensees ~~to~~ comply with the  
 239 contracts issued.

240 Section 3. Subsection (4) of section 482.071, Florida  
 241 Statutes, is amended to read:

242 482.071 Licenses.--

243 (4) A licensee may not operate a pest control business  
 244 without carrying the required insurance coverage. Each person  
 245 making application for a pest control business license or  
 246 renewal thereof must furnish to the department a certificate of  
 247 insurance that meets the requirements for minimum financial  
 248 responsibility for bodily injury and property damage consisting  
 249 of:

250 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and  
 251 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000  
 252 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;

HB 1447

2009

253 or

254 (b) Combined single-limit coverage: \$500,000 ~~\$400,000~~ in  
255 the aggregate.

256 Section 4. Section 482.072, Florida Statutes, is created  
257 to read:

258 482.072 Pest control service centers.--

259 (1) The department may issue a license to a qualified  
260 business to operate a pest control service center, to solicit  
261 pest control business, or to provide services to customers for  
262 one or more business locations licensed under s. 482.071. A  
263 person may not operate a centralized service center for a pest  
264 control business that is not licensed by the department.

265 (2) (a) Before operating a pest control service center, and  
266 annually thereafter, on or before an anniversary date set by the  
267 department for the licensed pest control service center  
268 location, the pest control business must apply to the department  
269 for a license under this chapter, or a renewal thereof, for each  
270 pest control service center location. An application must be  
271 submitted in the format prescribed by the department.

272 (b) The department shall establish a fee for the issuance  
273 of a pest control service center license of at least \$500, but  
274 not more than \$1,000, and a fee for the renewal of a license of  
275 at least \$250, but not more than \$500; however, until rules  
276 setting the fees are adopted by the department, the initial  
277 license and renewal fees are each set at \$500. The department  
278 shall establish a grace period, not to exceed 30 calendar days  
279 after a license's anniversary renewal date. The department shall  
280 assess a late renewal charge of \$150, in addition to the renewal

HB 1447

2009

281 fee, to a business that renews its license after the grace  
282 period.

283 (c) A license automatically expires 60 calendar days after  
284 the anniversary renewal date unless the license is renewed  
285 before that date. Once a license expires, it may be reinstated  
286 only upon reapplication and payment of the license fee and late  
287 renewal fee.

288 (d) A license automatically expires when a licensee  
289 changes its pest control service center business location  
290 address. The department shall issue a new license upon payment  
291 of a \$250 fee. The new license automatically expires 60 calendar  
292 days after the anniversary renewal date of the former license  
293 unless the license is renewed before that date.

294 (e) The department may not issue or renew a license to  
295 operate a centralized pest control service center unless the  
296 pest control business licensees for whom the centralized service  
297 center solicits business have one or more common owners.

298 (f) The department may deny the issuance of a pest control  
299 service center license, or refuse to renew a license, if the  
300 department finds that the applicant or licensee, or any of its  
301 directors, officers, owners, or general partners, are or were  
302 directors, officers, owners, or general partners of a pest  
303 control business described in s. 482.071(2)(g) or violated a  
304 rule adopted under s. 482.071(2)(f).

305 (g) Section 482.091 does not apply to a person who  
306 solicits pest control services or provides customer service in a  
307 licensed pest control service center unless the person performs  
308 the pest control work described in s. 482.021(21)(a)-(d),

309 executes a pest control contract, or accepts remuneration for  
 310 such work.

311 (3) (a) The department shall adopt rules establishing  
 312 requirements and procedures for recordkeeping and monitoring of  
 313 pest control service center operations to ensure compliance with  
 314 this chapter and rules adopted under this chapter.

315 (b) Notwithstanding s. 482.163, whether an employee acts  
 316 outside of the course and scope of his or her employment or  
 317 whether the employee disobeys employer policies:

318 1. A pest control service center licensee may be subject  
 319 to disciplinary action under s. 482.161 for a violation of this  
 320 chapter or a rule adopted under this chapter committed by an  
 321 employee of the service center.

322 2. A pest control business licensee may be subject to  
 323 disciplinary action under s. 482.161 for a violation committed  
 324 by an employee of the service center if the business licensee  
 325 benefits from the violation.

326 Section 5. Section 482.152, Florida Statutes, is amended  
 327 to read:

328 482.152 Duties of certified operator in charge of pest  
 329 control activities of licensee.--A certified operator in charge  
 330 of the pest control activities of a licensee shall have her or  
 331 his primary occupation with the licensee and shall be a full-  
 332 time employee of the licensee. The, and her or his principal  
 333 duties of the certified operator in charge ~~duty~~ shall include:

334 (1) ~~The~~ Responsibility for the ~~personal~~ supervision of,  
 335 and participation in, the pest control activities of at the  
 336 business location of the licensee. This chapter does not prevent

337 a certified operator in charge from performing duties at other  
 338 business locations owned by the licensee if:

339 (a) The certified operator in charge performs her or his  
 340 duties as provided in this section for the business location of  
 341 the licensee.

342 (b) The certified operator in charge is a full-time  
 343 employee of the licensee.

344 (c) The primary occupation of the certified operator in  
 345 charge is the pest control business. ~~as the same relate to:~~

346 (2)~~(1)~~ The Selection of proper and correct chemicals for  
 347 the particular pest control work performed.

348 (3)~~(2)~~ The Safe and proper use of the pesticides used.

349 (4)~~(3)~~ The Correct concentration and formulation of  
 350 pesticides used in all pest control work performed.

351 (5)~~(4)~~ The Training of personnel in the proper and  
 352 acceptable methods of pest control.

353 (6)~~(5)~~ The Control measures and procedures used.

354 (7)~~(6)~~ The Notification of the department of any  
 355 accidental human poisoning or death connected with pest control  
 356 work performed on a job she or he is supervising, within 24  
 357 hours after she or he has knowledge of the poisoning or death.

358 Section 6. Section 482.157, Florida Statutes, is created  
 359 to read:

360 482.157 Limited certification for commercial wildlife  
 361 management personnel.--

362 (1) The department shall establish a limited certification  
 363 category for individual commercial wildlife management personnel  
 364 that authorizes the personnel to use nonchemical methods for

365 controlling pest birds or rodents, including, but not limited  
366 to, the use of traps, glue boards, mechanical or electronic  
367 devices, or exclusionary techniques.

368 (2) A person seeking limited certification under this  
369 section must pass an examination administered by the department.  
370 An application for examination must be accompanied by an  
371 examination fee set by rule of the department of at least \$150  
372 but not to exceed \$300. The department shall provide the  
373 appropriate reference materials for the examination and make the  
374 examination readily available as often as necessary, but at  
375 least quarterly in each county. Before the department issues a  
376 limited certification under this section, the person applying  
377 for certification must furnish proof that he or she holds a  
378 certificate of insurance stating that his or her employer meets  
379 the requirements for minimum financial responsibility in s.  
380 482.071(4).

381 (3) An application for recertification under this section  
382 must be submitted annually and be accompanied by a  
383 recertification fee set by rule of the department of at least  
384 \$75 but not to exceed \$150. The application must also be  
385 accompanied by proof that:

386 (a) The applicant completed 4 classroom hours of  
387 acceptable continuing education.

388 (b) The applicant holds a certificate of insurance stating  
389 that his or her employer meets the requirements for minimum  
390 financial responsibility in s. 482.071(4).

391 (4) The department shall establish a grace period, not to  
392 exceed 30 calendar days after an annual date established by the

393 department on which recertification is due. The department shall  
 394 assess a late charge of \$50, in addition to the recertification  
 395 fee, to commercial wildlife management personnel who are  
 396 recertified after the grace period.

397 (5) A limited certification automatically expires 180  
 398 calendar days after the annual date on which recertification is  
 399 due unless the commercial wildlife personnel are recertified  
 400 before the certification expires. Once a certification expires,  
 401 certification may be issued only upon successful reexamination  
 402 and payment of the examination fees.

403 (6) Certification under this section does not authorize:

404 (a) Use of any pesticide or chemical substance, other than  
 405 adhesive materials, to control pest birds, rodents, or other  
 406 nuisance wildlife in, on, or under a structure.

407 (b) Operation of a pest control business.

408 (c) Supervision of a certified person.

409 Section 7. Section 482.163, Florida Statutes, is amended  
 410 to read:

411 482.163 Responsibility for pest control activities of  
 412 employee.--Proper performance of pest control activities by a  
 413 pest control business employee is the responsibility not only of  
 414 the employee but also of the licensee and the certified operator  
 415 in charge, and the licensee and certified operator in charge may  
 416 be subject to disciplinary action under ~~disciplined pursuant to~~  
 417 ~~the provisions of s. 482.161 for the pest control activities of~~  
 418 an employee unless the employee acts outside the course and  
 419 scope of his or her employment or the employee disobeys employer  
 420 policies that the licensee and certified operator in charge

421 regularly and consistently enforce. If an inspection or  
 422 investigation results in administrative action being taken  
 423 against an employee, the department shall notify the licensee  
 424 and certified operator in charge so that corrective action can  
 425 be taken. A licensee may not automatically be considered  
 426 responsible for violations made by an employee. However, the  
 427 licensee may not knowingly encourage, aid, or abet violations of  
 428 ~~this chapter.~~

429 Section 8. Subsection (6) of section 482.226, Florida  
 430 Statutes, is amended to read:

431 482.226 Wood-destroying organism inspection report; notice  
 432 of inspection or treatment; financial responsibility.--

433 (6) Any licensee that performs wood-destroying organism  
 434 inspections in accordance with subsection (1) must meet minimum  
 435 financial responsibility in the form of errors and omissions  
 436 (professional liability) insurance coverage or bond in an amount  
 437 no less than \$250,000 ~~\$50,000~~ in the aggregate ~~and \$25,000 per~~  
 438 ~~occurrence,~~ or demonstrate that the licensee has equity or net  
 439 worth of no less than \$500,000 ~~\$100,000~~ as determined by  
 440 generally accepted accounting principles substantiated by a  
 441 certified public accountant's review or certified audit. The  
 442 licensee must show proof of meeting this requirement at the time  
 443 of license application or renewal thereof.

444 Section 9. Subsection (1) of section 493.6102, Florida  
 445 Statutes, is amended to read:

446 493.6102 Inapplicability of this chapter.--This chapter  
 447 shall not apply to:

448 (1) Any individual who is an "officer" as defined in s.



449 943.10(14), ~~or is~~ a law enforcement officer of the United States  
 450 Government, while the ~~such~~ local, state, or federal officer is  
 451 engaged in her or his official duties or, if approved by the  
 452 officer's supervisors, when performing off-duty activities as a  
 453 security officer ~~activities approved by her or his superiors.~~

454 Section 10. Subsections (5) through (9) of section  
 455 493.6105, Florida Statutes, are renumbered as subsections (4)  
 456 through (8), respectively, and subsections (2), (3), (4), (6),  
 457 and (7) of that section are amended to read:

458 493.6105 Initial application for license.--

459 (2) Each application shall be signed and verified by the  
 460 individual under oath as provided in s. 92.525 and shall be  
 461 notarized.

462 (3) The application shall contain the following  
 463 information concerning the individual signing same:

464 (a) Name and any aliases.

465 (b) Age and date of birth.

466 (c) Place of birth.

467 (d) Social security number or alien registration number,  
 468 whichever is applicable.

469 (e) Present residence address ~~and his or her residence~~  
 470 ~~addresses within the 5 years immediately preceding the~~  
 471 ~~submission of the application.~~

472 ~~(f) Occupations held presently and within the 5 years~~  
 473 ~~immediately preceding the submission of the application.~~

474 ~~(f)(g)~~ A statement of all criminal convictions, findings  
 475 of guilt, and pleas of guilty or nolo contendere, regardless of  
 476 adjudication of guilt.

477 (g) One passport-type color photograph taken within the 6  
 478 months immediately preceding submission of the application.

479 (h) A statement whether he or she has ever been  
 480 adjudicated incompetent under chapter 744.

481 (i) A statement whether he or she has ever been committed  
 482 to a mental institution under chapter 394.

483 (j) A full set of fingerprints on a card provided by the  
 484 department and a fingerprint fee to be established by rule of  
 485 the department based upon costs determined by state and federal  
 486 agency charges and department processing costs. An applicant who  
 487 has, within the immediately preceding 6 months, submitted a  
 488 fingerprint card and fee for licensing purposes under this  
 489 chapter shall not be required to submit another fingerprint card  
 490 or fee.

491 (k) A personal inquiry waiver which allows the department  
 492 to conduct necessary investigations to satisfy the requirements  
 493 of this chapter.

494 (l) Such further facts as may be required by the  
 495 department to show that the individual signing the application  
 496 is of good moral character and qualified by experience and  
 497 training to satisfy the requirements of this chapter.

498 ~~(4) In addition to the application requirements outlined~~  
 499 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~  
 500 ~~Class "E," Class "EE," or Class "G" license shall submit two~~  
 501 ~~color photographs taken within the 6 months immediately~~  
 502 ~~preceding the submission of the application, which meet~~  
 503 ~~specifications prescribed by rule of the department. All other~~  
 504 ~~applicants shall submit one photograph taken within the 6 months~~

HB 1447

2009

505 ~~immediately preceding the submission of the application.~~

506 ~~(5)-(6)~~ In addition to the requirements outlined in  
507 subsection (3), an applicant for a Class "G" license shall  
508 satisfy minimum training criteria for firearms established by  
509 rule of the department, which training criteria shall include,  
510 but is not limited to, 28 hours of range and classroom training  
511 taught and administered by a Class "K" licensee; however, no  
512 more than 8 hours of such training shall consist of range  
513 training. If the applicant can show proof that he or she is an  
514 active law enforcement officer currently certified under the  
515 Criminal Justice Standards and Training Commission or has  
516 completed the training required for that certification within  
517 the last 12 months, or if the applicant submits one of the  
518 certificates specified in paragraph ~~(6)-(7)~~(a), the department  
519 may waive the foregoing firearms training requirement.

520 ~~(6)-(7)~~ In addition to the requirements under subsection  
521 (3), an applicant for a Class "K" license shall:

522 (a) Submit one of the following certificates:

523 1. The Florida Criminal Justice Standards and Training  
524 Commission ~~Firearms~~ Instructor's Certificate and confirmation by  
525 the commission that the applicant is authorized to provide  
526 firearms instruction.

527 2. The National Rifle Association Law Enforcement Police  
528 Firearms Instructor's Certificate.

529 ~~3. The National Rifle Association Security Firearms~~  
530 ~~Instructor's Certificate.~~

531 ~~3.4.~~ A firearms instructor's training certificate issued  
532 by any branch of the United States Armed Forces, from a federal

HB 1447

2009

533 law enforcement agency, ~~state, county, or municipal police~~  
534 academy in this state recognized as such by the Criminal Justice  
535 Standards and Training Commission ~~or by the Department of~~  
536 ~~Education.~~

537 (b) Pay the fee for and pass an examination administered  
538 by the department which shall be based upon, but is not  
539 necessarily limited to, a firearms instruction manual provided  
540 by the department.

541 Section 11. Paragraph (f) of subsection (1) and paragraph  
542 (a) of subsection (2) of section 493.6106, Florida Statutes, are  
543 amended, and paragraph (g) is added to subsection (1) of that  
544 section, to read:

545 493.6106 License requirements; posting.--

546 (1) Each individual licensed by the department must:

547 (f) Be a citizen or permanent legal resident alien of the  
548 United States or have appropriate ~~been granted~~ authorization  
549 issued to seek employment in this country by the ~~United States~~  
550 Bureau of Citizenship and Immigration Services of the United  
551 States Department of Homeland Security.

552 1. An applicant for a Class "C," Class "CC," Class "D,"  
553 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class  
554 "MB," Class "MR," or Class "RI" license who is not a United  
555 States citizen must submit proof of current employment  
556 authorization issued by the United States Bureau of Citizenship  
557 and Immigration Services or proof that she or he is deemed a  
558 permanent legal resident alien by the bureau.

559 2. An applicant for a Class "G" or Class "K" license who  
560 is not a United States citizen must submit proof that she or he

HB 1447

2009

561 is deemed a permanent legal resident alien by the United States  
562 Bureau of Citizenship and Immigration Services with additional  
563 documentation establishing that she or he has resided in the  
564 state of residence shown on the application for at least 90  
565 consecutive days before the date that the application is  
566 submitted.

567 3. An applicant for an agency or school license who is not  
568 a United States citizen or permanent legal resident alien must  
569 submit documentation issued by the United States Bureau of  
570 Citizenship and Immigration Services stating that she or he is  
571 lawfully in the United States and is authorized to own and  
572 operate the type of agency for which she or he is applying. An  
573 employment authorization card issued by the United States Bureau  
574 of Citizenship and Immigration Services is not sufficient  
575 documentation.

576 (g) Not be prohibited from purchasing or possessing a  
577 firearm by state or federal law.

578 (2) Each agency shall have a minimum of one physical  
579 location within this state from which the normal business of the  
580 agency is conducted, and this location shall be considered the  
581 primary office for that agency in this state.

582 (a) If an agency or branch office desires to change the  
583 physical location of the business, as it appears on the ~~agency~~  
584 license, the department must be notified within 10 days of the  
585 change, and, except upon renewal, the fee prescribed in s.  
586 493.6107 must be submitted for each license requiring revision.  
587 Each license requiring revision must be returned with such  
588 notification.

589 Section 12. Subsection (3) of section 493.6107, Florida  
 590 Statutes, is amended to read:

591 493.6107 Fees.--

592 (3) The fees set forth in this section must be paid by  
 593 ~~certified check or money order or, at the discretion of the~~  
 594 ~~department, by agency check~~ at the time the application is  
 595 approved, except that the applicant for a Class "G" or Class "M"  
 596 license must pay the license fee at the time the application is  
 597 made. If a license is revoked or denied or if the application is  
 598 withdrawn, the license fee shall not be refunded.

599 Section 13. Paragraph (a) of subsection (1) and subsection  
 600 (3) of section 493.6108, Florida Statutes, are amended to read:

601 493.6108 Investigation of applicants by Department of  
 602 Agriculture and Consumer Services.--

603 (1) Except as otherwise provided, prior to the issuance of  
 604 a license under this chapter, the department shall make an  
 605 investigation of the applicant for a license. The investigation  
 606 shall include:

607 (a)1. An examination of fingerprint records and police  
 608 records. When a criminal history analysis of any applicant under  
 609 this chapter is performed by means of fingerprint card  
 610 identification, the time limitations prescribed by s. 120.60(1)  
 611 shall be tolled during the time the applicant's fingerprint card  
 612 is under review by the Department of Law Enforcement or the  
 613 United States Department of Justice, Federal Bureau of  
 614 Investigation.

615 2. If a legible set of fingerprints, as determined by the  
 616 Department of Law Enforcement or the Federal Bureau of

617 Investigation, cannot be obtained after two attempts, the  
 618 Department of Agriculture and Consumer Services may determine  
 619 the applicant's eligibility based upon a criminal history record  
 620 check under the applicant's name conducted by the Department of  
 621 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~  
 622 ~~A set of fingerprints are taken by a law enforcement agency or~~  
 623 the department and the applicant submits a written statement  
 624 signed by the fingerprint technician or a licensed physician  
 625 stating that there is a physical condition that precludes  
 626 obtaining a legible set of fingerprints or that the fingerprints  
 627 taken are the best that can be obtained ~~is sufficient to meet~~  
 628 ~~this requirement.~~

629 (3) The department shall also investigate the mental  
 630 history and current mental and emotional fitness of any Class  
 631 "G" or Class "K" applicant, and may deny a Class "G" or Class  
 632 "K" license to anyone who has a history of mental illness or  
 633 drug or alcohol abuse.

634 Section 14. Subsection (4) of section 493.6111, Florida  
 635 Statutes, is amended to read:

636 493.6111 License; contents; identification card.--

637 (4) Notwithstanding the existence of a valid Florida  
 638 corporate registration, an ~~no~~ agency or school licensee may not  
 639 conduct activities regulated under this chapter under any  
 640 fictitious name without prior written authorization from the  
 641 department to use that name in the conduct of activities  
 642 regulated under this chapter. The department may not authorize  
 643 the use of a name which is so similar to that of a public  
 644 officer or agency, or of that used by another licensee, that the

645 public may be confused or misled thereby. The authorization for  
 646 the use of a fictitious name shall require, as a condition  
 647 precedent to the use of such name, the filing of a certificate  
 648 of engaging in business under a fictitious name under s. 865.09.  
 649 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business  
 650 under more than one fictitious name except as separately  
 651 licensed nor shall the license be valid to protect any licensee  
 652 who is engaged in ~~the~~ business under any name other than that  
 653 specified in the license. An agency desiring to change its  
 654 licensed name shall notify the department and, except upon  
 655 renewal, pay a fee not to exceed \$30 for each license requiring  
 656 revision including those of all licensed employees except Class  
 657 "D" or Class "G" licensees. Upon the return of such licenses to  
 658 the department, revised licenses shall be provided.

659 Section 15. Subsection (2) and paragraph (a) of subsection  
 660 (3) of section 493.6113, Florida Statutes, are amended to read:

661 493.6113 Renewal application for licensure.--

662 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the  
 663 expiration date of the license, the department shall mail a  
 664 written notice to the last known mailing ~~residence~~ address for  
 665 individual licensees and to the last known agency address for  
 666 agencies.

667 (3) Each licensee shall be responsible for renewing his or  
 668 her license on or before its expiration by filing with the  
 669 department an application for renewal accompanied by payment of  
 670 the prescribed license fee.

671 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~  
 672 licensee shall additionally submit on a form prescribed by the



673 department a certification of insurance which evidences that the  
 674 licensee maintains coverage as required under s. 493.6110.

675 Section 16. Subsection (8), paragraph (d) of subsection  
 676 (12), and subsection (16) of section 493.6115, Florida Statutes,  
 677 are amended to read:

678 493.6115 Weapons and firearms.--

679 (8) A Class "G" applicant must satisfy the minimum  
 680 training criteria as set forth in s. 493.6105(5)~~(6)~~ and as  
 681 established by rule of the department.

682 (12) The department may issue a temporary Class "G"  
 683 license, on a case-by-case basis, if:

684 (d) The applicant has received approval from the  
 685 department subsequent to its conduct of a criminal history  
 686 record check as authorized in s. 493.6108(1)(a)1. ~~493.6121(6).~~

687 (16) If the criminal history record check program  
 688 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the  
 689 department may issue a temporary "G" license on a case-by-case  
 690 basis, provided that the applicant has met all statutory  
 691 requirements for the issuance of a temporary "G" license as  
 692 specified in subsection (12), excepting the criminal history  
 693 record check stipulated there; provided, that the department  
 694 requires that the licensed employer of the applicant conduct a  
 695 criminal history record check of the applicant pursuant to  
 696 standards set forth in rule by the department, and provide to  
 697 the department an affidavit containing such information and  
 698 statements as required by the department, including a statement  
 699 that the criminal history record check did not indicate the  
 700 existence of any criminal history that would prohibit licensure.

701 Failure to properly conduct such a check, or knowingly providing  
 702 incorrect or misleading information or statements in the  
 703 affidavit shall constitute grounds for disciplinary action  
 704 against the licensed agency, including revocation of license.

705 Section 17. Paragraphs (t) and (u) of subsection (1) of  
 706 section 493.6118, Florida Statutes, are redesignated as  
 707 paragraphs (u) and (v), respectively, present paragraph (u) of  
 708 that subsection is amended, and a new paragraph (t) is added to  
 709 that subsection, to read:

710 493.6118 Grounds for disciplinary action.--

711 (1) The following constitute grounds for which  
 712 disciplinary action specified in subsection (2) may be taken by  
 713 the department against any licensee, agency, or applicant  
 714 regulated by this chapter, or any unlicensed person engaged in  
 715 activities regulated under this chapter.

716 (t) Being prohibited from purchasing or possessing a  
 717 firearm by state or federal law.

718 (v)~~(u)~~ In addition to the grounds for disciplinary action  
 719 prescribed in paragraphs (a)-(u) ~~(a)-(t)~~, Class "R" recovery  
 720 agencies, Class "E" recovery agents, and Class "EE" recovery  
 721 agent interns are prohibited from committing the following acts:

722 1. Recovering a motor vehicle, mobile home, motorboat,  
 723 aircraft, personal watercraft, all-terrain vehicle, farm  
 724 equipment, or industrial equipment that has been sold under a  
 725 conditional sales agreement or under the terms of a chattel  
 726 mortgage before authorization has been received from the legal  
 727 owner or mortgagee.

728           2. Charging for expenses not actually incurred in  
 729 connection with the recovery, transportation, storage, or  
 730 disposal of repossessed property or personal property obtained  
 731 in a repossession.

732           3. Using any repossessed property or personal property  
 733 obtained in a repossession for the personal benefit of a  
 734 licensee or an officer, director, partner, manager, or employee  
 735 of a licensee.

736           4. Selling property recovered under the provisions of this  
 737 chapter, except with written authorization from the legal owner  
 738 or the mortgagee thereof.

739           5. Failing to notify the police or sheriff's department of  
 740 the jurisdiction in which the repossessed property is recovered  
 741 within 2 hours after recovery.

742           6. Failing to remit moneys collected in lieu of recovery  
 743 of a motor vehicle, mobile home, motorboat, aircraft, personal  
 744 watercraft, all-terrain vehicle, farm equipment, or industrial  
 745 equipment to the client within 10 working days.

746           7. Failing to deliver to the client a negotiable  
 747 instrument that is payable to the client, within 10 working days  
 748 after receipt of such instrument.

749           8. Falsifying, altering, or failing to maintain any  
 750 required inventory or records regarding disposal of personal  
 751 property contained in or on repossessed property pursuant to s.  
 752 493.6404(1).

753           9. Carrying any weapon or firearm when he or she is on  
 754 private property and performing duties under his or her license  
 755 whether or not he or she is licensed pursuant to s. 790.06.

756           10. Soliciting from the legal owner the recovery of  
 757 property subject to repossession after such property has been  
 758 seen or located on public or private property if the amount  
 759 charged or requested for such recovery is more than the amount  
 760 normally charged for such a recovery.

761           11. Wearing, presenting, or displaying a badge in the  
 762 course of performing a repossession regulated by this chapter.

763           Section 18. Subsections (7) and (8) of section 493.6121,  
 764 Florida Statutes, are renumbered as subsections (6) and (7),  
 765 respectively, and present subsection (6) of that section is  
 766 amended to read:

767           493.6121 Enforcement; investigation.--

768           ~~(6) The department shall be provided access to the program~~  
 769 ~~that is operated by the Department of Law Enforcement, pursuant~~  
 770 ~~to s. 790.065, for providing criminal history record information~~  
 771 ~~to licensed gun dealers, manufacturers, and exporters. The~~  
 772 ~~department may make inquiries, and shall receive responses in~~  
 773 ~~the same fashion as provided under s. 790.065. The department~~  
 774 ~~shall be responsible for payment to the Department of Law~~  
 775 ~~Enforcement of the same fees as charged to others afforded~~  
 776 ~~access to the program.~~

777           Section 19. Subsection (3) of section 493.6202, Florida  
 778 Statutes, is amended to read:

779           493.6202 Fees.--

780           (3) The fees set forth in this section must be paid by  
 781 ~~certified check or money order or, at the discretion of the~~  
 782 ~~department, by agency check~~ at the time the application is  
 783 approved, except that the applicant for a Class "G," Class "C,"

784 Class "CC," Class "M," or Class "MA" license must pay the  
 785 license fee at the time the application is made. If a license is  
 786 revoked or denied or if the application is withdrawn, the  
 787 license fee shall not be refunded.

788 Section 20. Subsections (2), (4), and (6) of section  
 789 493.6203, Florida Statutes, are amended to read:

790 493.6203 License requirements.--In addition to the license  
 791 requirements set forth elsewhere in this chapter, each  
 792 individual or agency shall comply with the following additional  
 793 requirements:

794 (2) An applicant for a Class "MA" license shall have 2  
 795 years of lawfully gained, verifiable, full-time experience, or  
 796 training in:

797 (a) Private investigative work or related fields of work  
 798 that provided equivalent experience or training;

799 (b) Work as a Class "CC" licensed intern;

800 (c) Any combination of paragraphs (a) and (b);

801 (d) Experience described in paragraph (a) for 1 year and  
 802 experience described in paragraph (e) for 1 year;

803 (e) No more than 1 year using:

804 1. College coursework related to criminal justice,  
 805 criminology, or law enforcement administration; or

806 2. Successfully completed law enforcement-related training  
 807 received from any federal, state, county, or municipal agency;  
 808 or

809 (f) Experience described in paragraph (a) for 1 year and  
 810 work in a managerial or supervisory capacity for 1 year.

811

812 However, experience in performing bodyguard services is not  
 813 creditable toward the requirements of this subsection.

814 (4) An applicant for a Class "C" license shall have 2  
 815 years of lawfully gained, verifiable, full-time experience, or  
 816 training in one, or a combination of more than one, of the  
 817 following:

818 (a) Private investigative work or related fields of work  
 819 that provided equivalent experience or training.

820 (b) College coursework related to criminal justice,  
 821 criminology, or law enforcement administration, or successful  
 822 completion of any law enforcement-related training received from  
 823 any federal, state, county, or municipal agency, except that no  
 824 more than 1 year may be used from this category.

825 (c) Work as a Class "CC" licensed intern.

826  
 827 However, experience in performing bodyguard services is not  
 828 creditable toward the requirements of this subsection.

829 (6) (a) A Class "CC" licensee shall serve an internship  
 830 under the direction and control of a designated sponsor, who is  
 831 a Class "C," Class "MA," or Class "M" licensee.

832 (b) Effective July 1, 2009 ~~September 1, 2008~~, before  
 833 submission of an application to the department, the an applicant  
 834 for a Class "CC" license must have completed a minimum of 40 at  
 835 least 24 hours of professional training a 40-hour course  
 836 pertaining to general investigative techniques and this chapter,  
 837 which course is offered by a state university or by a school,  
 838 community college, college, or university under the purview of  
 839 the Department of Education, and the applicant must pass an

HB 1447

2009

840 examination. The training must be provided in two parts, one 24-  
841 hour course and one 16-hour course. The certificate evidencing  
842 satisfactory completion of the 40 ~~at least 24~~ hours of  
843 professional training ~~a 40-hour course~~ must be submitted with  
844 the application for a Class "CC" license. ~~The remaining 16 hours~~  
845 ~~must be completed and an examination passed within 180 days. If~~  
846 ~~documentation of completion of the required training is not~~  
847 ~~submitted within the specified timeframe, the individual's~~  
848 ~~license is automatically suspended or his or her authority to~~  
849 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~  
850 ~~until such time as proof of certificate of completion is~~  
851 ~~provided to the department.~~ The training course specified in  
852 this paragraph may be provided by face-to-face presentation,  
853 online technology, or a home study course in accordance with  
854 rules and procedures of the Department of Education. The  
855 administrator of the examination must verify the identity of  
856 each applicant taking the examination.

857 1. Upon an applicant's successful completion of each part  
858 of the approved training ~~course~~ and passage of any required  
859 examination, the school, community college, college, or  
860 university shall issue a certificate of completion to the  
861 applicant. The certificates must be on a form established by  
862 rule of the department.

863 2. The department shall establish by rule the general  
864 content of the professional ~~training~~ ~~course~~ and the examination  
865 criteria.

866 3. If the license of an applicant for relicensure is ~~has~~  
867 ~~been~~ invalid for more than 1 year, the applicant must complete

868 the required training and pass any required examination.

869 (c) An individual who submits an application for a Class  
 870 "CC" license on or after September 1, 2008, through June 30,  
 871 2009, who has not completed the 16-hour course must submit proof  
 872 of successful completion of the course within 180 days after the  
 873 date the application is submitted. If documentation of  
 874 completion of the required training is not submitted by that  
 875 date, the individual's license is automatically suspended until  
 876 proof of the required training is submitted to the department.  
 877 An individual licensed before January 1, 2007, is not required  
 878 to complete additional training hours in order to renew an  
 879 active license beyond the required total amount of training, and  
 880 within the timeframe, in effect at the time he or she was  
 881 licensed.

882 Section 21. Subsection (3) of section 493.6302, Florida  
 883 Statutes, is amended to read:

884 493.6302 Fees.--

885 (3) The fees set forth in this section must be paid by  
 886 ~~certified check or money order or, at the discretion of the~~  
 887 ~~department, by agency check~~ at the time the application is  
 888 approved, except that the applicant for a Class "D," Class "G,"  
 889 Class "M," or Class "MB" license must pay the license fee at the  
 890 time the application is made. If a license is revoked or denied  
 891 or if the application is withdrawn, the license fee shall not be  
 892 refunded.

893 Section 22. Subsection (4) of section 493.6303, Florida  
 894 Statutes, is amended to read:

895 493.6303 License requirements.--In addition to the license



896 requirements set forth elsewhere in this chapter, each  
 897 individual or agency shall comply with the following additional  
 898 requirements:

899 (4) (a) Effective July 1, 2009, an applicant for a Class  
 900 "D" license must submit proof of successful completion of  
 901 ~~complete~~ a minimum of 40 hours of professional training at a  
 902 school or training facility licensed by the department. The  
 903 training must be provided in two parts, one 24-hour course and  
 904 one 16-hour course. The department shall by rule establish the  
 905 general content and number of hours of each subject area to be  
 906 taught.

907 (b) An individual who submits an application for a Class  
 908 "D" license on or after January 1, 2007, through June 30, 2009,  
 909 who has not completed the 16-hour course must submit proof of  
 910 successful completion of the course within 180 days after the  
 911 date the application is submitted. If documentation of  
 912 completion of the required training is not submitted by that  
 913 date, the individual's license is automatically suspended until  
 914 proof of the required training is submitted to the department.  
 915 This section does not require a person licensed before January  
 916 1, 2007, to complete additional training hours in order to renew  
 917 an active license beyond the required total amount of training  
 918 within the timeframe prescribed by law at the time he or she was  
 919 licensed. An applicant may fulfill the training requirement  
 920 ~~prescribed in paragraph (a) by submitting proof of:~~

921 ~~1. Successful completion of the total number of required~~  
 922 ~~hours of training before initial application for a Class "D"~~  
 923 ~~license; or~~

HB 1447

2009

924           ~~2. Successful completion of 24 hours of training before~~  
925 ~~initial application for a Class "D" license and successful~~  
926 ~~completion of the remaining 16 hours of training within 180 days~~  
927 ~~after the date that the application is submitted. If~~  
928 ~~documentation of completion of the required training is not~~  
929 ~~submitted within the specified timeframe, the individual's~~  
930 ~~license is automatically suspended until such time as proof of~~  
931 ~~the required training is provided to the department.~~

932           (c) ~~An individual~~ However, any person whose license is  
933 suspended or has been ~~revoked, suspended pursuant to paragraph~~  
934 (b) subparagraph 2., or is ~~expired for at least 1 year, or~~  
935 ~~longer~~ is considered, upon reapplication for a license, an  
936 initial applicant and must submit proof of successful completion  
937 of 40 hours of professional training at a school or training  
938 facility licensed by the department as provided ~~prescribed~~ in  
939 paragraph (a) before a license is ~~will be~~ issued. ~~Any person~~  
940 ~~whose license was issued before January 1, 2007, and whose~~  
941 ~~license has been expired for less than 1 year must, upon~~  
942 ~~reapplication for a license, submit documentation of completion~~  
943 ~~of the total number of hours of training prescribed by law at~~  
944 ~~the time her or his initial license was issued before another~~  
945 ~~license will be issued. This subsection does not require an~~  
946 ~~individual licensed before January 1, 2007, to complete~~  
947 ~~additional training hours in order to renew an active license,~~  
948 ~~beyond the required total amount of training within the~~  
949 ~~timeframe prescribed by law at the time she or he was licensed.~~

950           Section 23. Subsection (2) of section 493.6304, Florida  
951 Statutes, is amended to read:

952 493.6304 Security officer school or training facility.--

953 (2) The application shall be signed and verified by the  
 954 applicant under oath as provided in s. 92.525 ~~notarized~~ and  
 955 shall contain, at a minimum, the following information:

956 (a) The name and address of the school or training  
 957 facility and, if the applicant is an individual, her or his  
 958 name, address, and social security or alien registration number.

959 (b) The street address of the place at which the training  
 960 is to be conducted.

961 (c) A copy of the training curriculum and final  
 962 examination to be administered.

963 Section 24. Subsections (7) and (8) of section 493.6401,  
 964 Florida Statutes, are amended to read:

965 493.6401 Classes of licenses.--

966 (7) Any person who operates a recovery agent ~~repossessor~~  
 967 school or training facility or who conducts an Internet-based  
 968 training course or a correspondence training course must have a  
 969 Class "RS" license.

970 (8) Any individual who teaches or instructs at a Class  
 971 "RS" recovery agent ~~repossessor~~ school or training facility  
 972 shall have a Class "RI" license.

973 Section 25. Paragraphs (f) and (g) of subsection (1) and  
 974 subsection (3) of section 493.6402, Florida Statutes, are  
 975 amended to read:

976 493.6402 Fees.--

977 (1) The department shall establish by rule biennial  
 978 license fees which shall not exceed the following:

979 (f) Class "RS" license--recovery agent ~~repossessor~~ school

980 or training facility: \$60.

981 (g) Class "RI" license--recovery agent ~~repossessor~~ school  
 982 or training facility instructor: \$60.

983 (3) The fees set forth in this section must be paid by  
 984 ~~certified check or money order, or, at the discretion of the~~  
 985 ~~department, by agency check~~ at the time the application is  
 986 approved, except that the applicant for a Class "E," Class "EE,"  
 987 or Class "MR" license must pay the license fee at the time the  
 988 application is made. If a license is revoked or denied, or if an  
 989 application is withdrawn, the license fee shall not be refunded.

990 Section 26. Subsections (1) and (2) of section 493.6406,  
 991 Florida Statutes, are amended to read:

992 493.6406 Recovery agent ~~Repossession services~~ school or  
 993 training facility.--

994 (1) Any school, training facility, or instructor who  
 995 offers the training outlined in s. 493.6403(2) for Class "E" or  
 996 Class "EE" applicants shall, before licensure of such school,  
 997 training facility, or instructor, file with the department an  
 998 application accompanied by an application fee in an amount to be  
 999 determined by rule, not to exceed \$60. The fee shall not be  
 1000 refundable. This training may be offered as face-to-face  
 1001 training, Internet-based training, or correspondence training.

1002 (2) The application shall be signed and verified by the  
 1003 applicant under oath as provided in s. 92.525 ~~notarized~~ and  
 1004 shall contain, at a minimum, the following information:

1005 (a) The name and address of the school or training  
 1006 facility and, if the applicant is an individual, his or her  
 1007 name, address, and social security or alien registration number.

HB 1447

2009

1008 (b) The street address of the place at which the training  
 1009 is to be conducted or the street address of the Class "RS"  
 1010 school offering Internet-based or correspondence training.

1011 (c) A copy of the training curriculum and final  
 1012 examination to be administered.

1013 Section 27. Paragraph (n) of subsection (1) of section  
 1014 500.03, Florida Statutes, is amended to read:

1015 500.03 Definitions; construction; applicability.--

1016 (1) For the purpose of this chapter, the term:

1017 (n) "Food establishment" means any factory, food outlet,  
 1018 or any other facility manufacturing, processing, packing,  
 1019 holding, or preparing food, ~~or~~ selling food at wholesale or  
 1020 retail. The term does not include any business or activity that  
 1021 is regulated under chapter 509 or chapter 601. The term includes  
 1022 tomato packinghouses and repackers but does not include any  
 1023 other establishments that pack fruits and vegetables in their  
 1024 raw or natural states, including those fruits or vegetables that  
 1025 are washed, colored, or otherwise treated in their unpeeled,  
 1026 natural form before they are marketed.

1027 Section 28. Section 500.70, Florida Statutes, is created  
 1028 to read:

1029 500.70 Tomato food safety standards; inspections;  
 1030 penalties; tomato good agricultural practices; tomato best  
 1031 management practices.--

1032 (1) As used in this section, the term:

1033 (a) "Field packing" means the packing of tomatoes on a  
 1034 tomato farm or in a tomato greenhouse into containers for sale

1035 for human consumption without transporting the tomatoes to a  
 1036 packinghouse.

1037 (b) "Packing" or "repacking" means the packing of tomatoes  
 1038 into containers for sale for human consumption. The term  
 1039 includes the sorting or separating of tomatoes into grades and  
 1040 sizes. The term also includes field packing.

1041 (c) "Producing" means the planting, growing, or  
 1042 cultivating of tomatoes on a tomato farm or in a tomato  
 1043 greenhouse for sale for human consumption.

1044 (2) The department may adopt rules establishing food  
 1045 safety standards to safeguard the public health and promote the  
 1046 public welfare by protecting the consuming public from injury  
 1047 caused by the adulteration or the microbiological, chemical, or  
 1048 radiological contamination of tomatoes. The rules must be based  
 1049 on federal requirements, available scientific research,  
 1050 generally accepted industry practice, and recommendations of  
 1051 food safety professionals. The rules shall apply to the  
 1052 producing, harvesting, packing, and repacking of tomatoes for  
 1053 sale for human consumption by a tomato farm, tomato greenhouse,  
 1054 or tomato packinghouse or repacker in this state. The rules may  
 1055 include, but are not limited to, standards for:

1056 (a) Registration with the department of a person who  
 1057 produces, harvests, packs, or repacks tomatoes in this state who  
 1058 does not hold a food permit issued under s. 500.12.

1059 (b) Proximity of domestic animals and livestock to the  
 1060 production areas for tomatoes.

1061 (c) Food safety related use of water for irrigation during  
 1062 production and washing of tomatoes after harvest.

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(d) Use of fertilizers.

(e) Cleaning and sanitation of containers, materials, equipment, vehicles, and facilities, including storage and ripening areas.

(f) Health, hygiene, and sanitation of employees who handle tomatoes.

(g) Training and continuing education of a person who produces, harvests, packs, or repacks tomatoes in this state, and the person's employees who handle tomatoes.

(h) Labeling and recordkeeping, including standards for identifying and tracing tomatoes for sale for human consumption.

(3) (a) The department may inspect tomato farms, tomato greenhouses, tomato packinghouses, repacking locations, or any vehicle being used to transport or hold tomatoes to ensure compliance with the applicable provisions of this chapter, and the rules adopted under this chapter.

(b) The department may impose an administrative fine not to exceed \$5,000 per violation, or issue a written notice or warning under s. 500.179, against a person who violates any applicable provision of this chapter, or any rule adopted under this chapter.

(4) (a) The department may adopt rules establishing tomato good agricultural practices and tomato best management practices as guidance for the state's tomato industry based on applicable federal requirements, available scientific research, generally accepted industry practices, and recommendations of food safety professionals.

HB 1447

2009

1090           (b) A person who documents compliance with the  
 1091 department's rules, tomato good agricultural practices, and  
 1092 tomato best management practices is presumed to introduce  
 1093 tomatoes into the stream of commerce that are safe for human  
 1094 consumption, unless the department identifies noncompliance  
 1095 through inspections.

1096           (5) The department may adopt rules pursuant to ss.  
 1097 120.536(1) and 120.54 to administer this section.

1098           Section 29. Paragraph (a) of subsection (2) of section  
 1099 501.605, Florida Statutes, is amended to read:

1100           501.605 Licensure of commercial telephone sellers.--

1101           (2) An applicant for a license as a commercial telephone  
 1102 seller must submit to the department, in such form as it  
 1103 prescribes, a written application for the license. The  
 1104 application must set forth the following information:

1105           (a) The true name, date of birth, driver's license number,  
 1106 ~~social security number,~~ and home address of the applicant,  
 1107 including each name under which he or she intends to do  
 1108 business.

1109  
 1110 The application shall be accompanied by a copy of any: Script,  
 1111 outline, or presentation the applicant will require or suggest a  
 1112 salesperson to use when soliciting, or, if no such document is  
 1113 used, a statement to that effect; sales information or  
 1114 literature to be provided by the applicant to a salesperson; and  
 1115 sales information or literature to be provided by the applicant  
 1116 to a purchaser in connection with any solicitation.

1117           Section 30. Paragraph (a) of subsection (1) of section



HB 1447

2009

1118 501.607, Florida Statutes, is amended to read:

1119 501.607 Licensure of salespersons.--

1120 (1) An applicant for a license as a salesperson must  
 1121 submit to the department, in such form as it prescribes, a  
 1122 written application for a license. The application must set  
 1123 forth the following information:

1124 (a) The true name, date of birth, driver's license number,  
 1125 ~~social security number,~~ and home address of the applicant.

1126 Section 31. Subsection (2) of section 501.913, Florida  
 1127 Statutes, is amended to read:

1128 501.913 Registration.--

1129 (2) The completed application shall be accompanied by:

1130 (a) Specimens or facsimiles of the label for each brand of  
 1131 antifreeze;

1132 (b) An application fee of \$200 for each brand; and

1133 (c) A properly labeled sample of at least 1 gallon, but  
 1134 not more than 2 gallons, of each brand of antifreeze.

1135 Section 32. Subsection (2) of section 525.01, Florida  
 1136 Statutes, is amended to read:

1137 525.01 Gasoline and oil to be inspected.--

1138 (2) All petroleum fuels are ~~shall be~~ subject to inspection  
 1139 and analysis by the department. Before selling or offering for  
 1140 sale in this state any petroleum fuel, all manufacturers,  
 1141 terminal suppliers, wholesalers, and importers as defined in s.  
 1142 206.01 ~~jobbers~~ shall file with the department:

1143 (a) An affidavit that they desire to do business in this  
 1144 state, and the name and address of the manufacturer of the  
 1145 petroleum fuel.

HB 1447

2009

1146 (b) An affidavit stating that the petroleum fuel is in  
 1147 conformity with the standards prescribed by department rule.

1148 Section 33. Subsections (1) and (3) of section 525.09,  
 1149 Florida Statutes, are amended to read:

1150 525.09 Inspection fee.--

1151 (1) For the purpose of defraying the expenses incident to  
 1152 inspecting, testing, and analyzing petroleum fuels in this  
 1153 state, there shall be paid to the department a charge of one-  
 1154 eighth cent per gallon on all gasoline, alternative fuel  
 1155 containing alcohol as described in s. 525.01(1)(c)1. or 2.,  
 1156 kerosene (except when used as aviation turbine fuel), and #1  
 1157 fuel oil for sale or use in this state. This inspection fee  
 1158 shall be imposed in the same manner as the motor fuel tax  
 1159 pursuant to s. 206.41. Payment shall be made on or before the  
 1160 25th day of each month.

1161 (3) All remittances to the department for the inspection  
 1162 tax herein provided shall be accompanied by a detailed report  
 1163 under oath showing the number of gallons of gasoline,  
 1164 alternative fuel containing alcohol, kerosene, or fuel oil sold  
 1165 and delivered in each county.

1166 Section 34. Section 526.50, Florida Statutes, is amended  
 1167 to read:

1168 526.50 Definition of terms.--As used in this part:

1169 (1) "Brake fluid" means the fluid intended for use as the  
 1170 liquid medium through which force is transmitted in the  
 1171 hydraulic brake system of a vehicle operated upon the highways.

1172 (2) "Brand" means the product name appearing on the label  
 1173 of a container of brake fluid.

1174        (3)~~(5)~~ "Container" means any receptacle in which brake  
 1175 fluid is immediately contained when sold, but does not mean a  
 1176 carton or wrapping in which a number of such receptacles are  
 1177 shipped or stored or a tank car or truck.

1178        (4)~~(2)~~ "Department" means the Department of Agriculture  
 1179 and Consumer Services.

1180        (5) "Formula" means the name of the chemical mixture or  
 1181 composition of the brake fluid product.

1182        (6)~~(4)~~ "Labeling" includes all written, printed or graphic  
 1183 representations, in any form whatsoever, imprinted upon or  
 1184 affixed to any container of brake fluid.

1185        (7)~~(6)~~ "Permit year" means a period of 12 months  
 1186 commencing July 1 and ending on the next succeeding June 30.

1187        (8)~~(7)~~ "Registrant" means any manufacturer, packer,  
 1188 distributor, seller, or other person who has registered a brake  
 1189 fluid with the department.

1190        (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,  
 1191 trade, keep for sale, offer for sale or expose for sale, in any  
 1192 of their variant forms.

1193        Section 35. Subsections (1) and (3) of section 526.51,  
 1194 Florida Statutes, are amended to read:

1195        526.51 Registration; renewal and fees; departmental  
 1196 expenses; cancellation or refusal to issue or renew.--

1197        (1) (a) Application for registration of each brand of brake  
 1198 fluid shall be made on forms to be supplied by the department.  
 1199 The applicant shall give his or her name and address and the  
 1200 brand name of the brake fluid, state that he or she owns the  
 1201 brand name and has complete control over the product sold

HB 1447

2009

1202 thereunder in Florida, and provide the name and address of the  
1203 resident agent in Florida. If the applicant does not own the  
1204 brand name but wishes to register the product with the  
1205 department, a notarized affidavit that gives the applicant full  
1206 authorization to register the brand name and that is signed by  
1207 the owner of the brand name must accompany the application for  
1208 registration. The affidavit must include all affected brand  
1209 names, the owner's company or corporate name and address, the  
1210 applicant's company or corporate name and address, and a  
1211 statement from the owner authorizing the applicant to register  
1212 the product with the department. The owner of the brand name  
1213 shall maintain complete control over each product sold under  
1214 that brand name in this state. All first-time, brand-formula  
1215 combination ~~new-product~~ applications must be accompanied by a  
1216 certified report from an independent testing laboratory, setting  
1217 forth the analysis of the brake fluid which shall show its  
1218 quality to be not less than the specifications established by  
1219 the department for brake fluids. A sample of not less than 24  
1220 fluid ounces of brake fluid shall be submitted, in a container  
1221 or containers, with labels representing exactly how the  
1222 containers of brake fluid will be labeled when sold, and the  
1223 sample and container shall be analyzed and inspected by the  
1224 Division of Standards in order that compliance with the  
1225 department's specifications and labeling requirements may be  
1226 verified. Upon approval of the application, the department shall  
1227 register the brand name of the brake fluid and issue to the  
1228 applicant a permit authorizing the registrant to sell the brake  
1229 fluid in this state during the permit year specified in the

1230 permit.

1231 (b) Each applicant shall pay a fee of \$100 with each  
 1232 application. An applicant seeking reregistration of a previously  
 1233 registered brand-formula combination must submit a completed  
 1234 application and all materials required under this subsection to  
 1235 the department before the first day of the permit year. A brand-  
 1236 formula combination for which a completed application and all  
 1237 materials required under this subsection are not received before  
 1238 the first day of the permit year ceases to be registered with  
 1239 the department until a completed application and all materials  
 1240 required under this subsection are received and approved. Any  
 1241 fee, application, or materials received after the first day of  
 1242 the permit year, if the brand-formula combination was previously  
 1243 registered with the department, A permit may be renewed by  
 1244 application to the department, accompanied by a renewal fee of  
 1245 \$50 on or before the last day of the permit year immediately  
 1246 preceding the permit year for which application is made for  
 1247 renewal of registration. To any fee not paid when due, there  
 1248 shall accrue a penalty of \$25, which shall be added to the  
 1249 renewal fee. Renewals will be accepted only on brake fluids that  
 1250 have no change in formula, composition, or brand name. Any  
 1251 change in formula, composition, or brand name of any brake fluid  
 1252 constitutes a new product that must be registered in accordance  
 1253 with this part.

1254 (3) The department may cancel or refuse to issue ~~or~~  
 1255 ~~refuse to renew~~ any registration and permit after due notice and  
 1256 opportunity to be heard if it finds that the brake fluid is  
 1257 adulterated or misbranded or that the registrant has failed to

HB 1447

2009

1258 | comply with the provisions of this part or the rules and  
 1259 | regulations promulgated thereunder.

1260 |       Section 36. Paragraph (a) of subsection (3) of section  
 1261 | 526.52, Florida Statutes, is amended to read:

1262 |           526.52 Specifications; adulteration and misbranding.--

1263 |       (3) Brake fluid is deemed to be misbranded:

1264 |       (a) If its container does not bear on its side or top a  
 1265 | label on which is printed the name and place of business of the  
 1266 | registrant of the product, the words "brake fluid," and a  
 1267 | statement that the product therein equals or exceeds the minimum  
 1268 | specification of the Society of Automotive Engineers for heavy-  
 1269 | duty-type brake fluid or equals or exceeds Federal Motor Vehicle  
 1270 | Safety Standard No. 116 adopted by the United States Department  
 1271 | of Transportation, ~~heavy-duty-type~~. By regulation the department  
 1272 | may require that the duty-type classification appear on the  
 1273 | label.

1274 |       Section 37. Subsection (2) of section 526.53, Florida  
 1275 | Statutes, is amended to read:

1276 |           526.53 Enforcement; inspection and analysis, stop-sale and  
 1277 | disposition, regulations.--

1278 |       (2) (a) When any brake fluid is sold in violation of any of  
 1279 | the provisions of this part, all such affected brake fluid of  
 1280 | the same brand name ~~on the same premises on which the violation~~  
 1281 | ~~occurred~~ shall be placed under a stop-sale order by the  
 1282 | department by serving the owner of the brand name, distributor,  
 1283 | or other entity responsible for selling or distributing the  
 1284 | product in the state with the stop-sale order. The department  
 1285 | shall withdraw its stop-sale order upon the removal of the

HB 1447

2009

1286 violation or upon voluntary destruction of the product, or other  
 1287 disposal approved by the department, under the supervision of  
 1288 the department.

1289 (b) In addition to being subject to the stop-sale  
 1290 procedures above, unregistered brake fluid shall be held by the  
 1291 department or its representative, at a place to be designated in  
 1292 the stop-sale order, until properly registered and released in  
 1293 writing by the department or its representative. If application  
 1294 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within  
 1295 30 days after issue of the stop-sale order, such product shall  
 1296 be disposed of by the department, or, with the department's  
 1297 consent, by the business, to any tax-supported institution or  
 1298 agency of the state if the brake fluid meets legal  
 1299 specifications or by other disposal authorized by rule of the  
 1300 department if it fails to meet legal specifications.

1301 Section 38. Subsections (2) and (5) of section 527.02,  
 1302 Florida Statutes, are amended to read:

1303 527.02 License; penalty; fees.--

1304 (2) Each business location of a person having multiple  
 1305 locations shall be separately licensed and must meet the  
 1306 requirements of this section. Such license shall be granted to  
 1307 any applicant determined by the department to be competent,  
 1308 qualified, and trustworthy who files with the department a  
 1309 surety bond, insurance affidavit, or other proof of insurance,  
 1310 as hereinafter specified, and pays for such license the  
 1311 following original application fee for new licenses and annual  
 1312 renewal fees for existing licenses:

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HB 1447

2009

		Original	
		Application	Renewal
	License Category	Fee	Fee
1314	Category I liquefied petroleum gas dealer . . . . .	<u>\$600</u> <del>\$525</del>	<u>\$500</u> <del>\$425</del>
1315	Category II liquefied petroleum gas dispenser . . . . .	525	<u>425</u> <del>375</del>
1316	Category III liquefied petroleum gas cylinder exchange unit operator . . . . .	<u>125</u> <del>100</del>	<u>75</u> <del>65</del>
1317	Category IV liquefied petroleum gas dispenser and recreational vehicle servicer . . . . .	525	<u>425</u> <del>400</del>
1318	Category V liquefied petroleum petroleum gases dealer for industrial uses only . . . . .	<u>350</u> <del>300</del>	<u>275</u> <del>200</del>
1319	LP gas installer . . . . .	<u>400</u> <del>300</del>	<u>300</u> <del>200</del>
1320	Specialty installer . . . . .	300	<u>250</u> <del>200</del>
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HB 1447

2009

1322	Dealer in appliances and equipment for use of liquefied petroleum gas . . . . .	50	45
1323	Manufacturer of liquefied petroleum gas appliances and equipment . . . . .	525	<u>425</u> <del>375</del>
1324	Requalifier of cylinders . . . . .	525	<u>425</u> <del>375</del>
1325	Fabricator, repairer, and Tester of vehicles and cargo tanks . . . . .	525	<u>425</u> <del>375</del>

1326 (5) The license fee for a pipeline system operator shall  
 1327 be \$350 ~~\$100 per system owned or operated by the person, not to~~  
 1328 ~~exceed \$400 per license year~~. Such license fee applies only to a  
 1329 pipeline system operator who owns or operates a liquefied  
 1330 petroleum gas pipeline system that is used to transmit liquefied  
 1331 petroleum gas from a common source to the ultimate customer and  
 1332 that serves 10 or more customers. The license shall be renewed  
 1333 each year at a fee of \$275 per year.

1334 Section 39. Subsections (1) and (3) and paragraphs (a) and  
 1335 (c) of subsection (5) of section 527.0201, Florida Statutes, are  
 1336 amended to read:

1337 527.0201 Qualifiers; master qualifiers; examinations.--

1338 (1) In addition to the requirements of s. 527.02, any

HB 1447

2009

1339 person applying for a license to engage in the activities of a  
1340 pipeline system operator, category I liquefied petroleum gas  
1341 dealer, category II liquefied petroleum gas dispenser, category  
1342 IV liquefied petroleum gas dispenser and recreational vehicle  
1343 servicer, category V liquefied petroleum gases dealer for  
1344 industrial uses only, LP gas installer, specialty installer,  
1345 requalifier ~~requalification~~ of cylinders, or fabricator,  
1346 repairer, and tester of vehicles and cargo tanks must prove  
1347 competency by passing a written examination administered by the  
1348 department or its agent with a grade of at least 75 percent in  
1349 each area tested ~~or above~~. Each applicant for examination shall  
1350 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule  
1351 specify the general areas of competency to be covered by each  
1352 examination and the relative weight to be assigned in grading  
1353 each area tested.

1354 (3) Qualifier cards issued to category I liquefied  
1355 petroleum gas dealers and liquefied petroleum gas installers  
1356 shall expire 3 years after the date of issuance. All category I  
1357 liquefied petroleum gas dealer qualifiers and liquefied  
1358 petroleum gas installer qualifiers holding a valid qualifier  
1359 card upon the effective date of this act shall retain their  
1360 qualifier status until July 1, 2003, and may sit for the master  
1361 qualifier examination at any time during that time period. All  
1362 such category I liquefied petroleum gas dealer qualifiers and  
1363 liquefied petroleum gas installer qualifiers may renew their  
1364 qualification on or before July 1, 2003, upon application to the  
1365 department, payment of a \$20 renewal fee, and documentation of  
1366 the completion of a minimum of 16 ~~12~~ hours of approved

HB 1447

2009

1367 continuing education courses, as defined by department rule,  
1368 during the previous 3-year period. Applications for renewal must  
1369 be made 30 calendar days prior to expiration. Persons failing to  
1370 renew prior to the expiration date must reapply and take a  
1371 qualifier competency examination in order to reestablish  
1372 category I liquefied petroleum gas dealer qualifier and  
1373 liquefied petroleum gas installer qualifier status. If a  
1374 category I liquefied petroleum gas qualifier or liquefied  
1375 petroleum gas installer qualifier becomes a master qualifier at  
1376 any time during the effective date of the qualifier card, the  
1377 card shall remain in effect until expiration of the master  
1378 qualifier certification.

1379 (5) In addition to all other licensing requirements, each  
1380 category I liquefied petroleum gas dealer and liquefied  
1381 petroleum gas installer must, at the time of application for  
1382 licensure, identify to the department one master qualifier who  
1383 is a full-time employee at the licensed location. This person  
1384 shall be a manager, owner, or otherwise primarily responsible  
1385 for overseeing the operations of the licensed location and must  
1386 provide documentation to the department as provided by rule. The  
1387 master qualifier requirement shall be in addition to the  
1388 requirements of subsection (1).

1389 (a) In order to apply for certification as a master  
1390 qualifier, each applicant must be a category I liquefied  
1391 petroleum gas dealer qualifier or liquefied petroleum gas  
1392 installer qualifier, must be employed by a licensed category I  
1393 liquefied petroleum gas dealer, liquefied petroleum gas  
1394 installer, or applicant for such license, must provide

1395 documentation of a minimum of 1 year's work experience in the  
 1396 gas industry, and must pass a master qualifier competency  
 1397 examination. Master qualifier examinations shall be based on  
 1398 Florida's laws, rules, and adopted codes governing liquefied  
 1399 petroleum gas safety, general industry safety standards, and  
 1400 administrative procedures. The examination must be successfully  
 1401 passed ~~completed~~ by the applicant with a grade of at least 75  
 1402 percent ~~or more~~. Each applicant for master qualifier status  
 1403 shall submit to the department a nonrefundable \$50 ~~\$30~~  
 1404 examination fee prior to the examination.

1405 (c) Master qualifier status shall expire 3 years after the  
 1406 date of issuance of the certificate and may be renewed by  
 1407 submission to the department of documentation of completion of  
 1408 at least 16 ~~12~~ hours of approved continuing education courses  
 1409 during the 3-year period; proof of employment with a licensed  
 1410 category I liquefied petroleum gas dealer, liquefied petroleum  
 1411 gas installer, or applicant; and a \$30 certificate renewal fee.  
 1412 The department shall define, by rule, approved courses of  
 1413 continuing education.

1414 Section 40. Subsection (4) of section 527.021, Florida  
 1415 Statutes, is amended to read:

1416 527.021 Registration of transport vehicles.--

1417 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for  
 1418 each registered vehicle inspected by the department pursuant to  
 1419 s. 527.061. Registered vehicles shall be inspected annually. All  
 1420 inspection fees collected in connection with this section shall  
 1421 be deposited in the General Inspection Trust Fund for the  
 1422 purpose of administering the provisions of this chapter.

HB 1447

2009

1423 Section 41. Section 527.12, Florida Statutes, is amended  
 1424 to read:

1425 527.12 Cease and desist orders; stop-use orders; stop-  
 1426 operation orders; stop-sale orders; administrative fines.--

1427 (1) Whenever the department has ~~shall have~~ reason to  
 1428 believe that any person is or has violated ~~been violating~~  
 1429 ~~provisions of this chapter or any rules adopted under this~~  
 1430 chapter pursuant thereto, the department ~~it~~ may issue a cease  
 1431 and desist order, ~~or~~ impose a civil penalty, or do both ~~may~~  
 1432 ~~issue such cease and desist order and impose a civil penalty.~~

1433 (2) Whenever a person or liquefied petroleum gas system or  
 1434 storage facility, or any part or component thereof, fails to  
 1435 comply with this chapter or any rules adopted under this  
 1436 chapter, the department may issue a stop-use order, stop-  
 1437 operation order, or stop-sale order.

1438 Section 42. Subsection (1) of section 559.805, Florida  
 1439 Statutes, is amended to read:

1440 559.805 Filings with the department; disclosure of  
 1441 advertisement identification number.--

1442 (1) Every seller of a business opportunity shall annually  
 1443 file with the department a copy of the disclosure statement  
 1444 required by s. 559.803 before ~~prior to~~ placing an advertisement  
 1445 or making any other representation designed to offer to, sell  
 1446 to, or solicit an offer to buy a business opportunity from a  
 1447 prospective purchaser in this state and shall update this filing  
 1448 by reporting any material change in the required information  
 1449 within 30 days after the material change occurs. An  
 1450 advertisement is not placed in the state merely because the

HB 1447

2009

1451 publisher circulates, or there is circulated on his or her  
 1452 behalf in the state, any bona fide newspaper or other  
 1453 publication of general, regular, and paid circulation which has  
 1454 had more than two-thirds of its circulation during the past 12  
 1455 months outside the state or because a radio or television  
 1456 program originating outside the state is received in the state.  
 1457 If the seller is required by s. 559.807 to provide a bond or  
 1458 establish a trust account or guaranteed letter of credit, he or  
 1459 she shall contemporaneously file with the department a copy of  
 1460 the bond, a copy of the formal notification by the depository  
 1461 that the trust account is established, or a copy of the  
 1462 guaranteed letter of credit. Every seller of a business  
 1463 opportunity shall file with the department a list of independent  
 1464 agents who will engage in the offer or sale of business  
 1465 opportunities on behalf of the seller in this state. This list  
 1466 must be kept current and shall include the following  
 1467 information: name, home and business address, telephone number,  
 1468 present employer, ~~social security number,~~ and birth date. A ~~No~~  
 1469 person may not ~~shall be allowed to~~ offer or sell business  
 1470 opportunities unless the required information is ~~has been~~  
 1471 provided to the department.

1472 Section 43. Subsection (3) of section 559.928, Florida  
 1473 Statutes, is amended to read:

1474 559.928 Registration.--

1475 (3) Each independent agent shall annually file an  
 1476 affidavit with the department before ~~prior to~~ engaging in  
 1477 business in this state. This affidavit must include the  
 1478 independent agent's full name, legal business or trade name,

HB 1447

2009

1479 mailing address, business address, telephone number, ~~social~~  
 1480 ~~security number~~, and the name or names and addresses of each  
 1481 seller of travel represented by the independent agent. A letter  
 1482 evidencing proof of filing must be issued by the department and  
 1483 must be prominently displayed in the independent agent's primary  
 1484 place of business. Each independent agent must also submit an  
 1485 annual registration fee of \$50. All moneys collected pursuant to  
 1486 the imposition of the fee shall be deposited by the Chief  
 1487 Financial Officer into the General Inspection Trust Fund of the  
 1488 Department of Agriculture and Consumer Services for the sole  
 1489 purpose of administrating this part. As used in this subsection,  
 1490 the term "independent agent" means a person who represents a  
 1491 seller of travel by soliciting persons on its behalf; who has a  
 1492 written contract with a seller of travel which is operating in  
 1493 compliance with this part and any rules adopted thereunder; who  
 1494 does not receive a fee, commission, or other valuable  
 1495 consideration directly from the purchaser for the seller of  
 1496 travel; who does not at any time have any unissued ticket stock  
 1497 or travel documents in his or her possession; and who does not  
 1498 have the ability to issue tickets, vacation certificates, or any  
 1499 other travel document. The term "independent agent" does not  
 1500 include an affiliate of the seller of travel, as that term is  
 1501 used in s. 559.935(3), or the employees of the seller of travel  
 1502 or of such affiliates.

1503 Section 44. Subsection (10) of section 570.07, Florida  
 1504 Statutes, is amended to read:

HB 1447

2009

1505           570.07 Department of Agriculture and Consumer Services;  
 1506 functions, powers, and duties.--The department shall have and  
 1507 exercise the following functions, powers, and duties:

1508           (10) To act as adviser to producers and distributors, when  
 1509 requested, ~~and~~ to assist them in the economical and efficient  
 1510 distribution of their agricultural products, ~~and~~ to encourage  
 1511 cooperative effort among producers to gain economical and  
 1512 efficient production of agricultural products, and to adopt  
 1513 rules establishing comprehensive best management practices for  
 1514 agricultural production and food safety.

1515           Section 45. Subsection (7) of section 570.0725, Florida  
 1516 Statutes, is amended to read:

1517           570.0725 Food recovery; legislative intent; department  
 1518 functions.--

1519           (7) For public information purposes, the department may  
 1520 ~~shall~~ develop and provide a public information ~~brochure~~  
 1521 detailing the need for food banks and similar ~~of~~ food recovery  
 1522 programs, the benefit of such ~~food recovery~~ programs, the manner  
 1523 in which ~~such~~ organizations may become involved in such ~~food~~  
 1524 ~~recovery~~ programs, and the protection afforded to such programs  
 1525 under s. 768.136, ~~and the food recovery entities or food banks~~  
 1526 ~~that exist in the state. This brochure must be updated annually.~~  
 1527 A food bank or similar food recovery organization seeking to be  
 1528 included on a list of such organizations must notify the  
 1529 department and provide the required information. Such  
 1530 organizations are responsible for updating the information and  
 1531 providing the updated information to the department.



HB 1447

2009

1532 Section 46. Paragraph (e) of subsection (2) of section  
 1533 570.48, Florida Statutes, is amended to read:

1534 570.48 Division of Fruit and Vegetables; powers and  
 1535 duties; records.--The duties of the Division of Fruit and  
 1536 Vegetables include, but are not limited to:

1537 (2)

1538 (e) Performing tomato food safety inspections under s.  
 1539 500.70 on tomato farms, in tomato greenhouses, and in tomato  
 1540 packinghouses and repackers.

1541 Section 47. Paragraph (e) of subsection (6) of section  
 1542 570.53, Florida Statutes, is amended to read:

1543 570.53 Division of Marketing and Development; powers and  
 1544 duties.--The powers and duties of the Division of Marketing and  
 1545 Development include, but are not limited to:

1546 (6)

1547 (e) Extending in every practicable way the distribution  
 1548 and sale of Florida agricultural products throughout the markets  
 1549 of the world as required of the department by s. ~~ss.~~ 570.07(7),  
 1550 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1551 Section 48. Subsection (2) of section 570.54, Florida  
 1552 Statutes, is amended to read:

1553 570.54 Director; duties.--

1554 (2) It shall be the duty of the director of this division  
 1555 to supervise, direct, and coordinate the activities authorized  
 1556 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and  
 1557 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and  
 1558 chapters 504, 571, 573, and 574 and to exercise other powers and  
 1559 authority as authorized by the department.

HB 1447

2009

1560 Section 49. Subsection (4) of section 570.55, Florida  
 1561 Statutes, is amended to read:

1562 570.55 Identification of sellers or handlers of tropical  
 1563 or subtropical fruit and vegetables; containers specified;  
 1564 penalties.--

1565 (4) IDENTIFICATION OF HANDLER.--At the time of each  
 1566 transaction involving the handling or sale of 55 pounds or more  
 1567 of tropical or subtropical fruit or vegetables in the primary  
 1568 channel of trade, the buyer or receiver of the tropical or  
 1569 subtropical fruit or vegetables shall demand a bill of sale,  
 1570 invoice, sales memorandum, or other document listing the date of  
 1571 the transaction, the quantity of the tropical or subtropical  
 1572 fruit or vegetables involved in the transaction, and the  
 1573 identification of the seller or handler as it appears on the  
 1574 driver's license of the seller or handler, including the  
 1575 driver's license number. If the seller or handler does not  
 1576 possess a driver's license, the buyer or receiver shall use any  
 1577 other acceptable means of identification, which may include, but  
 1578 is not limited to, i.e., voter's registration card and number,  
 1579 draft card, ~~social security card,~~ or other identification.  
 1580 However, no less than two identification documents shall be  
 1581 used. The identification of the seller or handler shall be  
 1582 recorded on the bill of sale, sales memorandum, invoice, or  
 1583 voucher, which shall be retained by the buyer or receiver for a  
 1584 period of not less than 1 year from the date of the transaction.

1585 Section 50. Subsection (3) of section 570.902, Florida  
 1586 Statutes, is amended to read:

1587 570.902 Definitions; ss. 570.902 and 570.903.--For the

1588 purpose of ss. 570.902 and 570.903:

1589 ~~(3) "Museum" means the Florida Agricultural Museum which~~  
 1590 ~~is designated as the museum for agriculture and rural history of~~  
 1591 ~~the State of Florida.~~

1592 Section 51. Section 570.903, Florida Statutes, is amended  
 1593 to read:

1594 570.903 Direct-support organization.--

1595 (1) When the Legislature authorizes the establishment of a  
 1596 direct-support organization to provide assistance for the  
 1597 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~  
 1598 ~~Florida State Collection of Arthropods,~~ the Friends of the  
 1599 Florida State Forests Program of the Division of Forestry, and  
 1600 the Forestry Arson Alert Program, and other programs of the  
 1601 department, the following provisions shall govern the creation,  
 1602 use, powers, and duties of the direct-support organization.

1603 (a) The department shall enter into a memorandum or letter  
 1604 of agreement with the direct-support organization, which shall  
 1605 specify the approval of the department, the powers and duties of  
 1606 the direct-support organization, and rules with which the  
 1607 direct-support organization shall comply.

1608 (b) The department may permit, without charge, appropriate  
 1609 use of property, facilities, and personnel of the department by  
 1610 a direct-support organization, subject to the provisions of ss.  
 1611 570.902 and 570.903. The use shall be directly in keeping with  
 1612 the approved purposes of the direct-support organization and  
 1613 shall not be made at times or places that would unreasonably  
 1614 interfere with opportunities for the general public to use  
 1615 department facilities for established purposes.

HB 1447

2009

1616 (c) The department shall prescribe by contract or by rule  
1617 conditions with which a direct-support organization shall comply  
1618 in order to use property, facilities, or personnel of the  
1619 department ~~or museum~~. Such rules shall provide for budget and  
1620 audit review and oversight by the department.

1621 (d) The department shall not permit the use of property,  
1622 facilities, or personnel of the ~~museum,~~ department, or  
1623 designated program by a direct-support organization which does  
1624 not provide equal employment opportunities to all persons  
1625 regardless of race, color, religion, sex, age, or national  
1626 origin.

1627 (2) (a) The direct-support organization shall be empowered  
1628 to conduct programs and activities; raise funds; request and  
1629 receive grants, gifts, and bequests of money; acquire, receive,  
1630 hold, invest, and administer, in its own name, securities,  
1631 funds, objects of value, or other property, real or personal;  
1632 and make expenditures to or for the direct or indirect benefit  
1633 of the ~~museum or~~ designated program.

1634 (b) Notwithstanding the provisions of s. 287.057, the  
1635 direct-support organization may enter into contracts or  
1636 agreements with or without competitive bidding for the  
1637 ~~restoration of objects, historical buildings, and other~~  
1638 ~~historical materials or for the purchase of objects, historical~~  
1639 ~~buildings, and other historical materials which are to be added~~  
1640 ~~to the collections of the museum, or benefit of the designated~~  
1641 program. However, before the direct-support organization may  
1642 enter into a contract or agreement without competitive bidding,  
1643 the direct-support organization shall file a certification of

1644 conditions and circumstances with the internal auditor of the  
 1645 department justifying each contract or agreement.

1646 (c) Notwithstanding the provisions of s. 287.025(1)(e),  
 1647 the direct-support organization may enter into contracts to  
 1648 insure property of the ~~museum or~~ designated programs and may  
 1649 ~~insure objects or collections on loan from others in satisfying~~  
 1650 ~~security terms of the lender.~~

1651 (3) The direct-support organization shall provide for an  
 1652 annual financial audit in accordance with s. 215.981.

1653 (4) Neither a designated program ~~or a museum~~, nor a  
 1654 nonprofit corporation trustee or employee may:

1655 (a) Receive a commission, fee, or financial benefit in  
 1656 connection with the sale or exchange of property historical  
 1657 ~~objects or properties~~ to the direct-support organization, ~~the~~  
 1658 ~~museum~~, or the designated program; or

1659 (b) Be a business associate of any individual, firm, or  
 1660 organization involved in the sale or exchange of property to the  
 1661 direct-support organization, ~~the museum~~, or the designated  
 1662 program.

1663 (5) All moneys received by the direct-support organization  
 1664 shall be deposited into an account of the direct-support  
 1665 organization and shall be used by the organization in a manner  
 1666 consistent with the goals of ~~the museum~~ or designated program.

1667 (6) The identity of a donor or prospective donor who  
 1668 desires to remain anonymous and all information identifying such  
 1669 donor or prospective donor are confidential and exempt from the  
 1670 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 1671 Constitution.

HB 1447

2009

1672 (7) The Commissioner of Agriculture, or the commissioner's  
 1673 designee, may serve on the board of trustees and the executive  
 1674 committee of any direct-support organization established to  
 1675 benefit the museum or any designated program.

1676 ~~(8) The department shall establish by rule archival~~  
 1677 ~~procedures relating to museum artifacts and records. The rules~~  
 1678 ~~shall provide procedures which protect the museum's artifacts~~  
 1679 ~~and records equivalent to those procedures which have been~~  
 1680 ~~established by the Department of State under chapters 257 and~~  
 1681 ~~267.~~

1682 Section 52. Subsections (18) through (30) of section  
 1683 581.011, Florida Statutes, are renumbered as subsections (17)  
 1684 through (29), respectively, and present subsections (17) and  
 1685 (20) of that section are amended to read:

1686 581.011 Definitions.--As used in this chapter:

1687 ~~(17) "Museum" means the Florida State Collection of~~  
 1688 ~~Arthropods.~~

1689 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in  
 1690 which nursery stock is grown, propagated, or held for sale or  
 1691 distribution, including ~~except where~~ aquatic plant species are  
 1692 tended for harvest in the natural environment.

1693 Section 53. Paragraph (d) of subsection (14) of section  
 1694 581.031, Florida Statutes, is amended to read:

1695 581.031 Department; powers and duties.--The department has  
 1696 the following powers and duties:

1697 (14)

1698 (d) To prescribe a fee for these services, if ~~provided~~ the  
 1699 fee does not exceed the cost of the services rendered. Annual

HB 1447

2009

1700 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per  
 1701 tree. If the fee has not been paid within 30 days of billing, a  
 1702 penalty of \$10 or 20 percent of the unpaid balance, whichever is  
 1703 greater, shall be assessed.

1704 Section 54. Subsection (6) of section 581.131, Florida  
 1705 Statutes, is amended to read:

1706 581.131 Certificate of registration.--

1707 (6) Neither the certificate of registration fee nor the  
 1708 annual renewal fee shall exceed \$600 ~~\$460~~. The department may  
 1709 exempt from the payment of a certificate fee those governmental  
 1710 agency nurseries whose nursery stock is used exclusively for  
 1711 planting on their own property.

1712 Section 55. Paragraph (a) of subsection (3) of section  
 1713 581.211, Florida Statutes, is amended to read:

1714 581.211 Penalties for violations.--

1715 (3) (a) 1. In addition to any other provision of law, the  
 1716 department may, after notice and hearing, impose an  
 1717 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each  
 1718 violation of this chapter, upon any person, nurseryman, stock  
 1719 dealer, agent or plant broker. The fine, when paid, shall be  
 1720 deposited in the Plant Industry Trust Fund. In addition, the  
 1721 department may place the violator on probation for up to 1 year,  
 1722 with conditions.

1723 2. The imposition of a fine or probation pursuant to this  
 1724 subsection may be in addition to or in lieu of the suspension or  
 1725 revocation of a certificate of registration or certificate of  
 1726 inspection.

1727 Section 56. Section 583.13, Florida Statutes, is amended

HB 1447

2009

1728 to read:

1729 583.13 Labeling and advertising requirements for dressed  
1730 poultry; unlawful acts.--

1731 (1) It is unlawful for any dealer or broker to sell, offer  
1732 for sale, or hold for the purpose of sale in the state any  
1733 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry  
1734 is packed in a container clearly bearing a label, not less than  
1735 3 inches by 5 inches, on which shall be plainly and legibly  
1736 printed, in letters of not less than one-fourth inch 1/4 in  
1737 height, ~~the grade and the part name or whole-bird statement of~~  
1738 ~~such poultry. The grade may be expressed in the term "premium,"~~  
1739 ~~"good," or "standard," or as the grade of another state or~~  
1740 ~~federal agency the standards of quality of which, by law, are~~  
1741 ~~equal to the standards of quality provided by this law and rules~~  
1742 ~~promulgated hereunder.~~

1743 (2) It is unlawful to sell unpackaged dressed or ready-to-  
1744 cook poultry at retail unless such poultry is labeled by a  
1745 placard immediately adjacent to the poultry or unless each bird  
1746 is individually labeled to show ~~the grade and~~ the part name or  
1747 whole-bird statement. The placard shall be no smaller than 7  
1748 inches by 7 inches in size, and the required labeling  
1749 information shall be legibly and plainly printed on the placard  
1750 in letters not smaller than 1 inch in height.

1751 (3) It is unlawful to sell packaged dressed or ready-to-  
1752 cook poultry at retail unless such poultry is labeled to show  
1753 ~~the grade,~~ the part name or whole-bird statement, the net weight  
1754 of the poultry, and the name and address of the dealer. The size  
1755 of the type on the label must be one-eighth inch or larger. A



HB 1447

2009

1756 placard immediately adjacent to such poultry may be used to  
1757 indicate ~~the grade and~~ the part name or whole-bird statement,  
1758 but not the net weight of the poultry or the name and address of  
1759 the dealer.

1760 (4) It is unlawful to use dressed or ready-to-cook poultry  
1761 in bulk in the preparation of food served to the public, or to  
1762 hold such poultry for the purpose of such use, unless the  
1763 poultry when received was packed in a container clearly bearing  
1764 a label, not less than 3 inches by 5 inches, on which was  
1765 plainly and legibly printed, in letters not less than one-fourth  
1766 inch in height, ~~the grade and~~ the part name or whole-bird  
1767 statement of such poultry. ~~The grade may be expressed in the~~  
1768 ~~term "premium," "good," or "standard," or as the grade of~~  
1769 ~~another state or federal agency the standards of quality of~~  
1770 ~~which, by law, are equal to the standards of quality provided by~~  
1771 ~~this law and rules promulgated hereunder.~~

1772 (5) It is unlawful to offer dressed or ready-to-cook  
1773 poultry for sale in any advertisement in a newspaper or  
1774 circular, on radio or television, or in any other form of  
1775 advertising without plainly designating in such advertisement  
1776 ~~the grade and~~ the part name or whole-bird statement of such  
1777 poultry.

1778 Section 57. Subsections (4) and (5) of section 590.125,  
1779 Florida Statutes, are renumbered as subsections (5) and (6),  
1780 respectively, subsection (1), paragraph (b) of subsection (3),  
1781 and paragraph (c) of present subsection (4) are amended, and new  
1782 subsections (4) and (7) are added to that section, to read:

1783 590.125 Open burning authorized by the division.--

1784 (1) DEFINITIONS.--As used in this section, the term:  
 1785 (a) "Certified pile burner" means an individual who  
 1786 successfully completes the division's pile burning certification  
 1787 program and possesses a valid pile burner certification number.  
 1788 (b) "Certified prescribed burn manager" means an  
 1789 individual who successfully completes the certified prescribed  
 1790 burning certification program of the division and possesses a  
 1791 valid certification number.  
 1792 (c) ~~(d)~~ "Extinguished" means:  
 1793 1. ~~that no spreading flame~~ For wild land burning or  
 1794 certified prescribed burning, that no spreading flames exist.  
 1795 2. ~~and no visible flame, smoke, or emissions~~ For  
 1796 vegetative land-clearing debris burning or pile burning, that no  
 1797 visible flames exist.  
 1798 3. For vegetative land-clearing debris burning or pile  
 1799 burning in an area designated as smoke sensitive by the  
 1800 division, that no visible flames, smoke, or emissions exist.  
 1801 (d) "Land-clearing operation" means the uprooting or  
 1802 clearing of vegetation in connection with the construction of  
 1803 buildings and rights-of-way, land development, and mineral  
 1804 operations. The term does not include the clearing of yard  
 1805 trash.  
 1806 (e) "Pile burning" means the burning of silvicultural,  
 1807 agricultural, or land-clearing and tree-cutting debris  
 1808 originating onsite, which is stacked together in a round or  
 1809 linear fashion, including, but not limited to, a windrow.  
 1810 (f) ~~(a)~~ "Prescribed burning" means the controlled  
 1811 application of fire in accordance with a written prescription

1812 for vegetative fuels under specified environmental conditions  
 1813 while following appropriate precautionary measures that ensure  
 1814 that the fire is confined to a predetermined area to accomplish  
 1815 the planned fire or land-management objectives.

1816 (g)~~(e)~~ "Prescription" means a written plan establishing  
 1817 the criteria necessary for starting, controlling, and  
 1818 extinguishing a prescribed burn.

1819 (h) "Yard trash" means vegetative matter resulting from  
 1820 landscaping and yard maintenance operations and other such  
 1821 routine property cleanup activities. The term includes materials  
 1822 such as leaves, shrub trimmings, grass clippings, brush, and  
 1823 palm fronds.

1824 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
 1825 PURPOSE.--

1826 (b) Certified prescribed burning pertains only to  
 1827 broadcast burning for purposes of silviculture, wildlife  
 1828 management, ecological maintenance and restoration, and range  
 1829 and pasture management. It must be conducted in accordance with  
 1830 this subsection and:

1831 1. May be accomplished only when a certified prescribed  
 1832 burn manager is present on site with a copy of the prescription  
 1833 from ignition of the burn to its completion.

1834 2. Requires that a written prescription be prepared before  
 1835 receiving authorization to burn from the division.

1836 3. Requires that the specific consent of the landowner or  
 1837 his or her designee be obtained before requesting an  
 1838 authorization.

1839 4. Requires that an authorization to burn be obtained from

1840 the division before igniting the burn.

1841 5. Requires that there be adequate firebreaks at the burn  
1842 site and sufficient personnel and firefighting equipment for the  
1843 control of the fire.

1844 6. Is considered to be in the public interest and does not  
1845 constitute a public or private nuisance when conducted under  
1846 applicable state air pollution statutes and rules.

1847 7. Is considered to be a property right of the property  
1848 owner if vegetative fuels are burned as required in this  
1849 subsection.

1850 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
1851 PURPOSE.--

1852 (a) Pile burning is a tool that benefits current and  
1853 future generations in Florida by disposing of naturally  
1854 occurring vegetative debris through burning rather than  
1855 disposing of the debris in landfills.

1856 (b) Certified pile burning pertains to the disposal of  
1857 piled, naturally occurring debris from an agricultural,  
1858 silvicultural, or temporary land-clearing operation. A land-  
1859 clearing operation is temporary if it operates for 6 months or  
1860 less. Certified pile burning must be conducted in accordance  
1861 with this subsection, and:

1862 1. A certified pile burner must ensure, before ignition,  
1863 that the piles are properly placed and that the content of the  
1864 piles is conducive to efficient burning.

1865 2. A certified pile burner must ensure that the piles are  
1866 properly extinguished no later than 1 hour after sunset. If the  
1867 burn is conducted in an area designated by the division as smoke

1868 sensitive, a certified pile burner must ensure that the piles  
 1869 are properly extinguished at least 1 hour before sunset.

1870 3. A written pile burn plan must be prepared before  
 1871 receiving authorization from the division to burn.

1872 4. The specific consent of the landowner or his or her  
 1873 agent must be obtained before requesting authorization to burn.

1874 5. An authorization to burn must be obtained from the  
 1875 division before igniting the burn.

1876 6. There must be adequate firebreaks and sufficient  
 1877 personnel and firefighting equipment at the burn site to control  
 1878 the fire.

1879 (c) If a burn is conducted in accordance with this  
 1880 subsection, the property owner and his or her agent are not  
 1881 liable under s. 590.13 for damage or injury caused by the fire  
 1882 or resulting smoke, and are not in violation of subsection (2),  
 1883 unless gross negligence is proven.

1884 (d) A certified pile burner who violates this section  
 1885 commits a misdemeanor of the second degree, punishable as  
 1886 provided in s. 775.082 or s. 775.083.

1887 (e) The division shall adopt rules regulating certified  
 1888 pile burning. The rules shall include procedures and criteria  
 1889 for certifying and decertifying certified pile burn managers  
 1890 based on past experience, training, and record of compliance  
 1891 with this section.

1892 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
 1893 DIVISION.--The division may conduct fuel reduction initiatives,  
 1894 including, but not limited to, burning and mechanical and  
 1895 chemical treatment, on any area of wild land within the state

1896 | which is reasonably determined to be in danger of wildfire in  
 1897 | accordance with the following procedures:

1898 |       (c) ~~Prepare, and send the county tax collector shall~~  
 1899 | ~~include with the annual tax statement,~~ a notice to be sent to  
 1900 | all landowners in each area ~~township~~ designated by the division  
 1901 | as a wildfire hazard area. The notice must describe particularly  
 1902 | the area to be treated and the tentative date or dates of the  
 1903 | treatment and must list the reasons for and the expected  
 1904 | benefits from the wildfire hazard reduction.

1905 |       (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
 1906 | AUTHORIZATION PROGRAMS.--

1907 |       (a) A county or municipality may exercise the division's  
 1908 | authority, if delegated by the division under this subsection,  
 1909 | to issue authorizations for the burning of yard trash or debris  
 1910 | from land-clearing operations. A county's or municipality's  
 1911 | existing or proposed open burning authorization program must:

1912 |           1. Be approved by the division. The division shall not  
 1913 | approve a program if it fails to meet the requirements of  
 1914 | subsection (2) or any rules adopted under that subsection.

1915 |           2. Provide by ordinance or local law the requirements for  
 1916 | obtaining and performing a burn authorization that comply with  
 1917 | subsection (2) and any rules adopted under that subsection.

1918 |           3. Provide for the enforcement of the program's  
 1919 | requirements.

1920 |           4. Provide financial, personnel, and other resources  
 1921 | needed to carry out the program.

1922 |       (b) If the division determines that a county's or  
 1923 | municipality's open burning authorization program does not

1924 comply with subsection (2) or any rules adopted under that  
 1925 subsection, the division shall require the county or  
 1926 municipality to take necessary corrective actions within a  
 1927 reasonable period, not to exceed 90 days.

1928 1. If the county or municipality fails to take the  
 1929 necessary corrective actions within the required period, the  
 1930 division shall resume administration of the open burning  
 1931 authorization program in the county or municipality and the  
 1932 county or municipality shall cease administration of the  
 1933 program.

1934 2. Each county and municipality administering an open  
 1935 burning authorization program must cooperate with and assist the  
 1936 division in carrying out the division's powers, duties, and  
 1937 functions.

1938 3. A person who violates the requirements of a county's or  
 1939 municipality's open burning authorization program, as provided  
 1940 by ordinance or local law, commits a violation of this chapter,  
 1941 punishable as provided in s. 590.14.

1942 (c) The division has exclusive authority to require and  
 1943 issue authorizations for agricultural and silvicultural open  
 1944 burning. A county or municipality may not establish additional  
 1945 requirements for agricultural and silvicultural open burning  
 1946 unless an emergency order is declared under s. 252.38(3).

1947 Section 58. Subsection (4) of section 590.14, Florida  
 1948 Statutes, is renumbered as subsection (7), subsections (1) and  
 1949 (3) are amended, and new subsections (4), (5), and (6) are added  
 1950 to that section, to read:

1951 590.14 Notice of violation; penalties.--

1952 (1) If a division employee determines that a person has  
 1953 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
 1954 the division to administer provisions of law conferring duties  
 1955 upon the division, the division employee ~~he or she~~ may issue a  
 1956 notice of violation indicating the statute violated. This notice  
 1957 will be filed with the division and a copy forwarded to the  
 1958 appropriate law enforcement entity for further action if  
 1959 necessary.

1960 (3) The department may also impose an administrative fine,  
 1961 not to exceed \$1,000 per violation of any section of chapter 589  
 1962 or this chapter or violation of any rule adopted by the division  
 1963 to administer provisions of law conferring duties upon the  
 1964 division. The fine shall be based upon the degree of damage, the  
 1965 prior violation record of the person, and whether the person  
 1966 knowingly provided false information to obtain an authorization.  
 1967 The fines shall be deposited in the Incidental Trust Fund of the  
 1968 division.

1969 (4) A person may not:

1970 (a) Fail to comply with any rule or order adopted by the  
 1971 division to administer provisions of law conferring duties upon  
 1972 the division; or

1973 (b) Knowingly make any false statement or representation  
 1974 in any application, record, plan, or other document required by  
 1975 this chapter or any rules adopted under this chapter.

1976 (5) A person who violates paragraph (4) (a) or paragraph  
 1977 (4) (b) commits a misdemeanor of the second degree, punishable as  
 1978 provided in s. 775.082 or s. 775.083.

1979 (6) It is the intent of the Legislature that a penalty



HB 1447

2009

1980 imposed by a court under subsection (5) be of a severity that  
 1981 ensures immediate and continued compliance with this section.

1982 Section 59. Paragraph (a) of subsection (1) of section  
 1983 599.004, Florida Statutes, is amended to read:

1984 599.004 Florida Farm Winery Program; registration; logo;  
 1985 fees.--

1986 (1) The Florida Farm Winery Program is established within  
 1987 the Department of Agriculture and Consumer Services. Under this  
 1988 program, a winery may qualify as a tourist attraction only if it  
 1989 is registered with and certified by the department as a Florida  
 1990 Farm Winery. A winery may not claim to be certified unless it  
 1991 has received written approval from the department.

1992 (a) To qualify as a certified Florida Farm Winery, a  
 1993 winery shall meet the following standards:

1994 1. Produce or sell less than 250,000 gallons of wine  
 1995 annually.

1996 2. Maintain a minimum of 10 acres of owned or managed land  
 1997 ~~vineyards~~ in Florida which produces commodities used in the  
 1998 production of wine.

1999 3. Be open to the public for tours, tastings, and sales at  
 2000 least 30 hours each week.

2001 4. Make annual application to the department for  
 2002 recognition as a Florida Farm Winery, on forms provided by the  
 2003 department.

2004 5. Pay an annual application and registration fee of \$100.

2005 Section 60. Subsection (1) of section 604.15, Florida  
 2006 Statutes, is amended, and subsection (11) is added to that  
 2007 section, to read:

HB 1447

2009

2008 |           604.15 Dealers in agricultural products; definitions.--For  
 2009 | the purpose of ss. 604.15-604.34, the following words and terms,  
 2010 | when used, shall be construed to mean:

2011 |           (1) "Agricultural products" means the natural products of  
 2012 | the farm, nursery, grove, orchard, vineyard, garden, and apiary  
 2013 | (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
 2014 | livestock; milk and milk products; poultry and poultry products;  
 2015 | the fruit of the saw palmetto (meaning the fruit of the *Serenoa*  
 2016 | *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety  
 2017 | Persian, Tahiti, Bearss, or Florida Key limes); and any other  
 2018 | nonexempt agricultural products produced in the state, except  
 2019 | tobacco, sugarcane, tropical foliage, timber and timber  
 2020 | byproducts, forest products as defined in s. 591.17, and citrus  
 2021 | other than limes.

2022 |           (11) "Responsible position" means a position within the  
 2023 | business of a dealer in agricultural products that has the  
 2024 | authority to negotiate or make the purchase of agricultural  
 2025 | products on behalf of the dealer's business or has principal  
 2026 | active management authority over the business decisions,  
 2027 | actions, and activities of the dealer's business in this state.

2028 |           Section 61. Section 604.19, Florida Statutes, is amended  
 2029 | to read:

2030 |           604.19 License; fee; bond; certificate of deposit;  
 2031 | penalty.--Unless the department refuses the application on one  
 2032 | or more of the grounds provided in this section, it shall issue  
 2033 | to an applicant, upon the payment of required fees and the  
 2034 | execution and delivery of a bond or certificate of deposit as  
 2035 | provided in this section, a state license entitling the

HB 1447

2009

2036 applicant to conduct business as a dealer in agricultural  
 2037 products for a 1-year period to coincide with the effective  
 2038 period of the bond or certificate of deposit furnished by the  
 2039 applicant. During the 1-year period covered by a license, if the  
 2040 supporting surety bond or certificate of deposit is canceled for  
 2041 any reason, the license shall automatically expire on the date  
 2042 the surety bond or certificate of deposit terminates, unless an  
 2043 acceptable replacement is in effect before the date of  
 2044 termination so that continual coverage occurs for the remaining  
 2045 period of the license. A surety company shall give the  
 2046 department a 30-day written notice of cancellation by certified  
 2047 mail in order to cancel a bond. Cancellation of a bond or  
 2048 certificate of deposit does ~~shall~~ not relieve a surety company  
 2049 or financial institution of liability for purchases or sales  
 2050 occurring while the bond or certificate of deposit was in  
 2051 effect. The license fee, which must be paid for the principal  
 2052 place of business for a dealer in agricultural products, shall  
 2053 be based upon the amount of the dealer's surety bond or  
 2054 certificate of deposit furnished by each dealer under the  
 2055 provisions of s. 604.20 and may not exceed \$500. For each  
 2056 additional place in which the applicant desires to conduct  
 2057 business and which the applicant names in the application, the  
 2058 additional license fee must be paid but may not exceed \$100  
 2059 annually. If a ~~Should any~~ dealer in agricultural products fails,  
 2060 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and  
 2061 qualify for the renewal of a license on or before its ~~the~~ date  
 2062 ~~of~~ expiration date ~~thereof~~, a penalty not to exceed \$100 shall  
 2063 apply to and be added to the ~~original~~ license fee for the

2064 principal place of business and to the license fee for each  
 2065 additional place of business named in the application and shall  
 2066 be paid by the applicant before the renewal license may be  
 2067 issued. The department by rule shall prescribe fee amounts  
 2068 sufficient to fund ss. 604.15-604.34.

2069 Section 62. Subsections (1) and (4) of section 604.20,  
 2070 Florida Statutes, are amended to read:

2071 604.20 Bond or certificate of deposit prerequisite;  
 2072 amount; form.--

2073 (1) Before any license is issued, the applicant therefor  
 2074 shall make and deliver to the department a surety bond or  
 2075 certificate of deposit in the amount of at least \$5,000 or in  
 2076 such greater amount as the department may determine. No bond or  
 2077 certificate of deposit may be in an amount less than \$5,000. The  
 2078 penal sum of the bond or certificate of deposit to be furnished  
 2079 to the department by an applicant for license as a dealer in  
 2080 agricultural products shall be in an amount equal to twice the  
 2081 average of the monthly dollar amounts ~~amount~~ of agricultural  
 2082 products handled for a Florida producer or a producer's agent or  
 2083 representative, by purchase or otherwise, ~~during the month of~~  
 2084 ~~maximum transaction in such products~~ during the preceding 12-  
 2085 month period. Only those months in which the applicant handled,  
 2086 by purchase or otherwise, amounts equal to or greater than  
 2087 \$1,000 shall be used to calculate the penal sum of the required  
 2088 bond or certificate of deposit. An applicant for license who has  
 2089 not handled agricultural products for a Florida producer or a  
 2090 producer's agent or representative, by purchase or otherwise,  
 2091 during the preceding 12-month period shall furnish a bond or

HB 1447

2009

2092 certificate of deposit in an amount equal to twice the estimated  
 2093 average of the monthly dollar amounts ~~amount~~ of such  
 2094 agricultural products to be handled, by purchase or otherwise,  
 2095 ~~during the month of maximum transaction~~ during the next  
 2096 immediate 12 months. Only those months in which the applicant  
 2097 anticipates handling, by purchase or otherwise, amounts equal to  
 2098 or greater than \$1,000 shall be used to calculate the penal sum  
 2099 of the required bond or certificate of deposit. Such bond or  
 2100 certificate of deposit shall be provided or assigned in the  
 2101 exact name in which the dealer will conduct business subject to  
 2102 the provisions of ss. 604.15-604.34. Such bond must be executed  
 2103 by a surety company authorized to transact business in the  
 2104 state. For the purposes of ss. 604.19-604.21, the term  
 2105 "certificate of deposit" means a certificate of deposit at any  
 2106 recognized financial institution doing business in the United  
 2107 States. No certificate of deposit may be accepted in connection  
 2108 with an application for a dealer's license unless the issuing  
 2109 institution is properly insured by either the Federal Deposit  
 2110 Insurance Corporation or the Federal Savings and Loan Insurance  
 2111 Corporation. Such bond or any certificate of deposit assignment  
 2112 or agreement shall be upon a form prescribed or approved by the  
 2113 department and shall be conditioned to secure the faithful  
 2114 accounting for and payment, in the manner prescribed by s.  
 2115 604.21(9), to producers or their agents or representatives of  
 2116 the proceeds of all agricultural products handled or purchased  
 2117 by such dealer, ~~and~~ to secure payment to dealers who sell  
 2118 agricultural products to such dealer, and to pay any claims or  
 2119 costs ordered under s. 604.21 as the result of a complaint. Such

2120 | bond or certificate of deposit assignment or agreement shall  
 2121 | include terms binding the instrument to the Commissioner of  
 2122 | Agriculture. A certificate of deposit shall be presented with an  
 2123 | assignment of applicant's rights in the certificate in favor of  
 2124 | the Commissioner of Agriculture on a form prescribed by the  
 2125 | department and with a letter from the issuing institution  
 2126 | acknowledging that the assignment has been properly recorded on  
 2127 | the books of the issuing institution and will be honored by the  
 2128 | issuing institution. Such assignment shall be irrevocable while  
 2129 | the dealer's license is in effect and for an additional period  
 2130 | of 6 months after the termination or expiration of the dealer's  
 2131 | license, provided no complaint is pending against the licensee.  
 2132 | If a complaint is pending, the assignment shall remain in effect  
 2133 | until all actions on the complaint have been finalized. The  
 2134 | certificate of deposit may be released by the assignee of the  
 2135 | financial institution to the licensee or the licensee's  
 2136 | successors, assignee, or heirs if no claims are pending against  
 2137 | the licensee before the department at the conclusion of 6 months  
 2138 | after the last effective date of the license. No certificate of  
 2139 | deposit shall be accepted that contains any provision that would  
 2140 | give the issuing institution any prior rights or claim on the  
 2141 | proceeds or principal of such certificate of deposit. The  
 2142 | department shall determine by rule the maximum amount of bond or  
 2143 | certificate of deposit required of a dealer and whether an  
 2144 | annual bond or certificate of deposit will be required.

2145 |       (4) The department may issue a conditional license to an  
 2146 | applicant who is unable to provide a single bond or certificate  
 2147 | of deposit in the full amount required by the calculation in

2148 subsection (1). The conditional license shall remain in effect  
 2149 for a 1-year period to coincide with the effective period of the  
 2150 bond or certificate of deposit furnished by the applicant. The  
 2151 applicant must provide at least the minimum \$5,000 bond or  
 2152 certificate of deposit as provided in subsection (1) together  
 2153 with documentation from each of three separate bonding companies  
 2154 denying the applicants request for a surety bond in the full  
 2155 amount required in subsection (1) and one of the following:

2156 (a) A notarized affidavit limiting the handling of  
 2157 agricultural products, by purchase or otherwise, during their  
 2158 largest month to a minimum of one-half the amount of the bond or  
 2159 certificate of deposit provided by the applicant;

2160 (b) A notarized affidavit stating that any subject  
 2161 agricultural products, handled by purchase or otherwise,  
 2162 exceeding one-half of the amount of the bond or certificate of  
 2163 deposit will be handled under the exemption provisions set forth  
 2164 in s. 604.16(2); or

2165 (c) A second bond or certificate of deposit in such an  
 2166 amount that, when the penal sum of the second bond or  
 2167 certificate of deposit is added to the penal sum of the first  
 2168 bond or certificate of deposit, the combined penal sum will  
 2169 equal twice the dollar amount of agricultural products handled  
 2170 for a Florida producer or a producer's agent or representative,  
 2171 by purchase or otherwise, during the month of maximum  
 2172 transaction in such products during the preceding 12-month  
 2173 period.

2174

HB 1447

2009

2175 The department or its agents may require from any licensee who  
 2176 is issued a conditional license verified statements of the  
 2177 volume of the licensee's business or may review the licensee's  
 2178 records at the licensee's place of business during normal  
 2179 business hours to determine the licensee's adherence to the  
 2180 conditions of the license. The failure of a licensee to furnish  
 2181 such statement or to make such records available shall be cause  
 2182 for suspension of the licensee's conditional license. If the  
 2183 department finds such failure to be willful, the conditional  
 2184 license may be revoked.

2185 Section 63. Paragraph (h) of subsection (1) and subsection  
 2186 (3) of section 604.25, Florida Statutes, are amended to read:

2187 604.25 Refusal to grant, or suspension or revocation of,  
 2188 license.--

2189 (1) The department may decline to grant a license or may  
 2190 suspend or revoke a license already granted if the applicant or  
 2191 licensee has:

2192 (h) Employed a person described in subsection (3) in a  
 2193 responsible position ~~a person, or an officer of a corporation,~~  
 2194 ~~who has failed to fully comply with an order of the department~~  
 2195 ~~at any time within 1 year after issuance;~~

2196 (3) No person who held a responsible position with a  
 2197 person, partnership, corporation or other business entity  
 2198 against whom the department has issued an administrative  
 2199 complaint or entered a final order, ~~or officer of a corporation,~~  
 2200 whose license is ~~has been~~ suspended or revoked for failure to  
 2201 comply with an order of the department, may hold a responsible  
 2202 position with a dealer in agricultural products, whether



HB 1447

2009

2203 licensed or not, a licensee for a period of 1 year or until the  
 2204 administrative complaint is settled or dismissed, the order of  
 2205 the department is ~~has been~~ fully complied with, or the  
 2206 completion of proceedings conducted under chapter 120 on the  
 2207 issued administrative complaint.

2208 Section 64. Subsections (18) and (19) of section 616.242,  
 2209 Florida Statutes, are renumbered as subsections (19) and (20),  
 2210 respectively, and a new subsection (18) is added to that section  
 2211 to read:

2212 616.242 Safety standards for amusement rides.--

2213 (18) STOP-OPERATION ORDERS.--If an owner or amusement ride  
 2214 fails to comply with this chapter or any rule adopted under this  
 2215 chapter, the department may issue a stop-operation order.

2216 Section 65. Paragraph (c) of subsection (5) of section  
 2217 790.06, Florida Statutes, is amended to read:

2218 790.06 License to carry concealed weapon or firearm.--

2219 (5) The applicant shall submit to the Department of  
 2220 Agriculture and Consumer Services:

2221 (c) A full set of fingerprints of the applicant  
 2222 administered by a law enforcement agency or the Division of  
 2223 Licensing of the Department of Agriculture and Consumer  
 2224 Services.

2225 Section 66. Sections 570.071 and 570.901, Florida  
 2226 Statutes, are repealed.

2227 Section 67. This act shall take effect July 1, 2009.